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# LIBERTY AND PROPERTY:

A  
PAMPHLET highly necessary to  
be Read by every *Englishman*, who  
has the least Regard for those two  
Invaluable Blessings.

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To \* \* \* \* \* Esq;

S I R,

**T**HOUGH you have often made me  
strong Professions of Friendship, and  
expressed a generous Concern for my  
Sufferings, yet for certain Reasons I  
shall not prefix your *Name* at length to the fol-  
lowing Account of some *Facts*, which I conceive  
it proper every *Englishman* should be made ac-  
quainted with, that he may judge how far he is  
secure in his *Liberty* and *Property*, against any  
Attempt which may be made upon them by any  
Person whatever, who is his Fellow-Subject.

I HAD formerly some Inclination to have been a Member of your House, and humbly hope, that my Birth, my Fortune, and Education, made this my Ambition not an unwarrantable one. I was firmly persuaded, that I could have done my Country an important Piece of Service, by improving a certain Branch of her Commerce to such a Degree, as would have gained her at least *half a Million* yearly. I venture to speak a little positively on this Head, because what I had to propose was approved by the late Earl of *Hallifax*, and would have been executed, had that able Minister lived; who understood Trade better than any Man of Quality in *Great Britain*. To render to his Memory what is justly due to it, I must frankly own, that he first gave me the *noble Hint*; which I had afterwards some very particular Opportunities of working upon, and (I think) of improving.

A CERTAIN *Great Man*, now living, who is said to have made many a Member of Parliament, thought me once so well qualified to be one, that he assured me, in the most solemn Manner, I should be the very first Man in *England* he would bring into your House. When for some Reasons, which I could never yet persuade this *Honourable Person* to tell me, he thought proper to break the solemn Promise he had made me, I resolved to try what I could do for myself. To be plain, Sir, I took the Method which I am afraid too many Gentlemen of late Years have been obliged to take, when they offer their Service to a Burrough; a Method which I am far from thinking right in itself, and which I sincerely hope the late excellent Bill against *Bribery and Corruption*

*ruption* will put an End to. My several Attempts to get into the House, cost me between *four and five Thousand Pounds*. I had once taken off all Opposition; and must have infallibly succeeded more than once, if there had not been the most extraordinary Methods made use of to oppose me. In short, from what I know, and have seen, I am at present fully convinced, that if I should stand for any Burrough in *England*, and *fifty thousand Pounds* would keep me out, that Sum (monstrous as it is) would be laid out to oppose me.

I SHALL not here endeavour to determine, whether, or no, it was resolved to ruin me, that I might be incapable ever to sit in an House of Commons; but the Manner in which I have been ruined, has been thus:

I HAVE been forced into a great Number of Law-Suits, which Nothing I could do or offer was able to avoid. These Law-Suits have been carried on against me, under the Names of Persons who are notoriously known to be worth *Nothing*; who are notoriously known to be incapable of raising such a Sum of Money as has been spent against me under their Names in one single Term. When by these Means I have been forced, much against my Will, into Courts of Justice, I have been treated there, however it has happened, with more Severity than ever any *Englishman* was before in the same Circumstances with myself. In short, Nothing is more plain and demonstrable, than that my Adversaries must have been supported by a powerful Purse. I will not take upon me to affirm, who the Man is that has supported them, nor with what Design



sign he has done so: Thus much I cannot help saying, That if it is a *certain Person*, (whom I have Reasons, strong Reasons to believe it is,) I could convince the World, that there is not this Day upon Earth, a Man who can excel him, either in Cruelty or Ingratitude.

THOUGH I have been often challenged, and provoked in the most abusive Language by a certain Set of Writers, to enter into some of the Particulars of those Hardships I complained of, I have hitherto remained silent. I was apprehensive, that they were flinging out a Bait on Purpose for me, with which, if I had been taken, their Patron himself, either in his *own Name*, or the Name of some *other Person*, would have endeavoured to get my just Defence *interpreted* into a *Libel*, and have added to the Weight of all those *tender Mercies*, of which I have already so plentifully tasted. I am, perhaps, at last falling into the mean and wicked Snare, which has been long laid for me; but be that as it will, a certain *Accident* has determined me to lay before my Country, at least some few Particulars of the Usage I have met with.

THE Accident I mean was thus:

I HAD not long since the Happiness to pass an Evening with an old Acquaintance, who is at present an Ornament to the Profession of the *Law*. Our Discourse happened at last to fall upon my Misfortunes, of which I gave him some Account. When he had heard me, with a good deal of Attention, he broke out, as nearly as I can remember, into the following Words: *You have told me such Things, as I could never have believed, had I heard them from any other*

other Person. I do believe what you say, because I knew your Family, your Education, and have now been acquainted with you for so many Years; but you may depend upon it, that if you should happen to die, some Things which you have told me are so Horrid! so monstrously Wicked! that no Man will ever believe you could be oppressed and treated in such a Manner, as I am now fully satisfied you have really been.

I HAVE often reflected upon my old Friend's Words: I believe he is right; I believe I have suffered such Things, as no Body would credit, if I was not in a Condition to prove what I assert. I do not take myself to be a long-lived Man; and if I die under any of those Disorders I have lately contracted, I take myself to be as much murdered by that Man, whoever he is, who has been the Cause of the cruel Usage I have received, as if he had actually procured me to be assassinated. If in the next World there is an Inquisition for Blood, I am fully persuaded my Innocent Blood will rest upon him and his Family. My Hopes and Belief that the Matters of Fact which I shall lay before you, may give you, or some other Patriot, an Hint for the better securing the Liberties and Properties of your Fellow-Subjects, have chiefly determined me to write this Letter.

BUT another Reason for my applying to you is, That I have not only been most infamously Robbed of such Papers as concern my Private Affairs, but of others which might have been of Service to the Publick, some of which I had fully determined to have laid before Your House, and which I shall venture to say, contain some Particulars,

particulars, well worth the Perusal of the Representatives of their Country.

I BELIEVE no Man in *England* had very lately so valuable a Collection as my self of *Original Letters* from some of the greatest Persons this Age has produced, and upon Subjects of the most delicate Nature. I had a considerable Number of Letters all wrote by the late King *William*, with his own Hand; a great many Letters of the late Lord *Sommers's*, the late Earl of *Hallifax's*, the late Marquis of *Wharton's*, the two last Great Earls of *Sunderland*, the late Lord *Stanhope's*, the late Lord *Oxford's*, the late Mr. *Addison's*, the late Lord *Bolingbroke's*, and the present Sir ROBERT WALPOLE'S; with several others. How I came by these Letters, it is not at present necessary to mention: I shall only assure you, that I spared neither Cost nor Pains to make the Collection. I have been robbed of a great Number of these Letters, which might have been made both useful and amusing to the Publick: Some of them by good Fortune I have preserved; and these, if I can keep them, may perhaps see the Light at a proper Time, and with a proper Explanation.

I HOPE none of my Countrymen will be so weak as to imagine, they are no ways concerned in the Contents of the following Sheets, because they chiefly relate to such Oppressions as I have suffered: No Man can tell how soon my Case may come to be his own. And however worthless I am, the same Methods which have been taken to ruin me (if they pass *Uncensored*, and *Unexposed*) may one Day be employed to destroy the Best and most Valuable Men in Great Britain.

T H A T

THAT wise and generous People, the ancient Romans, were so jealous of the *Least* Attempts upon their *Liberties* and *Properties*, that whenever they saw one of their Fellow-Citizens oppressed in an extraordinary Manner, they immediately made *his* Case *their own*, and resented the Injury *he* had suffered, just as much as if it had been offered to *themselves*.

*Tarquin the Proud*, lost his Crown, and the Name of a King, became odious to the Romans, for an Injury done by his Son to a Private Citizen of Rome.

*Appius the Decemvir*, after he had long played the Tyrant in his high Post, lost both that and his Life together, for making an Attempt on the Property of one *Virginus*, a poor *Plebeian*, from whom he endeavoured to take his Child.

THE Fate of this *Appius* was so very remarkable, that I shall give my Readers a short Account of it.

*Appius* was a Senator of Rome: He was a bold and confident Speaker; and as he wanted neither *Words*, nor *Assurance*, was always one of the *foremost* to give his Opinion in the Senate; so that at last, he became a *leading Member* in that Assembly. His many plausible Harangues in the Defence of *Liberty*, gave the People so good an Opinion of him, that by their Votes they made him Head of the College of *Decemvirs*, or, in other Words, the *First Minister*, and *Chief Magistrate* of the Commonwealth. For some little Time he made a *Modest* Use of his Power, affected the most popular Behaviour, and was ready to procure *speedy Justice* for the meanest *Plebeian*; till having formed a

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Party,



Party, and convinced them that it should be their Interest to stand by him on all Occasions, and against all Opposition, he acted like a most wicked abandoned Tyrant, and as the Head of those Conspirators, who for their *own Interests* had resolved to destroy the *Publick Liberty*. He still kept up, indeed, the *Form*, and the solemn Appearance of *Justice*; but this was nothing more than acting a *Farce*, to delude the *Vulgar*. The Magistrates before whom all *Causes* were heard, were the *Creatures* of *Appius*, owed their Preferment to him, and feared his Frown. So that though Appearances were saved, and some plausible Reasons often given for their Determinations, yet every Man who came before them was sure to lose or gain his *Cause*, as he was known to be more or less engaged in the Interests of *Appius*.

“ FAVOUR and SELF-INTEREST (says the  
 “ Abbot *Vertot*) sat in the Place of LAW and  
 “ JUSTICE: *Appius* and his *Associates* employed  
 “ their whole Power and Interest to revenge  
 “ themselves upon their *Private Enemies*; and  
 “ reckoned all Men to be such, who would not  
 “ tamely submit to be their *Slaves*.”

THE chief and fastest Friends of *Appius*, were at first a profligate Part of the *Nobility*. At the Expence of the *Publick*, he supplied these *necessitous Patricians* with the Means to support their *Pride* and *Luxury*. His Power at last grew so great, and seemed to be so firmly established, that several Senators, who had till now preserved a tolerable Reputation, and were once thought to have been much above so base a Compliance, condescended to become his *Creatures*, and to be employed in his most *Dirty*  
*Jobs*.

*Jobbs.* Among these was *Lucius Cornelius*, a Man *subtile* and *eloquent*, who, in reality, cared for nothing but his *Interest*, but was able to lay the *fairest Colours* upon the *blackest Villanies*. Even those Senators who disdained to join in the Measures of *Appius*, dreaded his Power. Unable to bear the Sight of what was daily done in *Rome*, and despairing to see a *Change*, they threw up the Care of Publick Affairs, and, with broken Hearts, either retired to their Country Houses, or went and settled among the *Latines* and *Hernici*. The People of *Rome* saw too late into how wretched a Degree of *Slavery* they were fallen; but knew not how to help themselves. *Appius* had all the Appearances of a *Legal* Authority on his Side. He was the *first Minister* in the Commonwealth, and possessed of a Post, conferred upon him by their own Votes, which gave him a Power of enriching or destroying almost whom he pleased. He knew himself hated by every good and virtuous Man; and therefore dreaded a *War*, which would have obliged him to put *Arms* into the Hands of the *People*. Though *Rome* was harrassed and insulted on all Sides by her Enemies, he raised no other Forces than a *Body of Troops*, entirely devoted to himself, with which he garrisoned the *Capitol*, and kept the *City* in awe. He introduced a luxurious Way of Living, unknown to the *Romans* till this Time. The Citizens of moderate Fortunes, who had now more Occasions for Money than ever, and no Supplies from any *Foreign Conquests*, as they had before, soon lay at the Mercy of their Creditors. The publick Prisons be-  
came

came so thronged with unhappy *Debtors*, that *Appius* was forced to build *New Dungeons*. In the mean Time, he himself swept the Streets of *Rome* with a numerous Train of mercenary Dependants: He lived in *Luxury* and *Feasting*; and in the midst of a Banquet, among his own Creatures, by way of *Jest* on those unhappy Men whom he had forced to plunge themselves into *Debt*, would often, with a barbarous Irony, call the *New Dungeons* he had built, *The Houses and Abodes of the Romans*.

THOSE Nations who had hitherto submitted to the *Roman Power*, despised now the Orders that were sent them, and scorned to acknowledge a People for their *Masters*, who were themselves become the *Slaves* of their Fellow-Citizen. The *Æqui*, the *Sabines*, and the *Latines*, made Incursions with Impunity quite up to the very Gates of *Rome*. The People looked upon these Insults with great Indifference and Unconcern: Whenever they talked with Freedom to one another, they declared, That if they must be *Slaves*, it was of no manner of Consequence who were their *Masters*. Some of them made no Scruple to affirm, That of the two, they would rather chuse to live under the Government of the *Sabines*, than the Administration of *Appius*. The Enemies to the *Roman State* proceeded at last to such unparalleled Insults, that the City daily expected a Siege, and *Appius* found it absolutely necessary for him to raise an Army: He enrolled the People, and obliged them to take the Field, under the Command of such Leaders as he had placed over them. The *Roman Army*, when they came to engage their Enemies,

Enemies, instead of exerting their wonted Courage, suffered themselves to be defeated. They dreaded nothing so much as obtaining a *Victory*, which they imagined might give some Credit to the *Measures* of *Appius*, and confirm him in his *Administration*. The News of their *Defeat* was received by the People at *Rome* with much more Joy, than they usually expressed upon the Tidings of a Victory. To this miserable Condition was the Commonwealth reduced by one Man's insatiable Thirst after *Power* and *Riches*. At last, his making a base Attempt upon the *Property* of a poor *Plebeian*, named *Virginus*, put an End to his Tyranny. *Appius*, to please his Letchery, had a Mind to deprive this Man of his Daughter, a Girl of fourteen Years of Age: He durst not take the Child from her Father by Force; and therefore resolved to execute his Design by the Help of that *Mask*, under which the greatest Villanies the World ever yet saw have been committed. He resolved to rob *Virginus* of his Child under the formal and plausible Pretence of executing *publick Justice*: He got one *Claudius* to set up a *legal Title* to the poor Girl, and bring an *Action* against *Virginus* for his Child. By the Laws of *Rome*, the Children of all *Slaves* belonged to their *Masters*. *Claudius* affirmed, That this Girl was born in his House, and was the Child, of one of his Female Slaves, who stole her from him; and to conceal her Theft, pretended to be delivered of a dead Child: That he had discovered she sold this Girl to the Wife of *Virginus*, who being barren, and uneasy at having no Child, had made her pass for her own Daughter.

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He added, That he could prove every Particular which he asserted by undeniable Testimonies. *Claudius* had, in Fact, got Witnesses ready to swear what he bid them; and among the rest, one of his Female Slaves, who was to confess, that she was the true Mother of *Virginus's* Daughter. This *Law-Suit* made a good deal of Noise in *Rome*: *Appius* had the consummate Impudence and Hypocrisy, to pretend to act in Favour of the Defendant *Virginus*. He obliged *Claudius* the Plaintiff to give up some Points before the Trial, which he confessed in Strictness of Law, he had a Right to insist upon. At last the Cause was brought to a solemn and publick Hearing in the open *Forum*. After all the Witnesses on either Side had been fully examined, Judgment was pronounced with the utmost Formality, and in a Set Speech from the Tribunal of Justice, it was declared, upon the whole, That the Plaintiff in the Action had a legal, and undoubted Right to the Girl in Dispute: *Claudius* gained his Cause, and *Virginus* lost his Daughter.\* The People, however, were not quite so blind and stupid, as not to perceive, that *Claudius* could hardly have carried Things in the Manner he did, if he had not been supported by some powerful Interest: They even suspected, from some Circumstances, that no less a Man than *Appius* himself was at the Bottom of the Business; and were highly enraged to think that they had been mocked and imposed upon by

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\* It would have made the Story too long, and perhaps too moving, to have entered into the Particulars of *Virginia's* Death.

by the specious Appearance of *publick Justice*. Every Man made the Case of poor *Virginus* his own; and lost all Patience, when he reflected, that those very *Laws*, which it was pretended were designed to *secure his Property*, were made the Instruments to *destroy* it.

IN short, the whole City was in a Tumult: The *Romans* had an Army in the Field; the Camp was but four Miles from the City: *Virginus* flew thither, and with a Sort of *Eloquence*, with which his *Grief* furnished him, laid his Case before the Soldiers. Those brave Fellows, though they had been raised and subsisted by the wicked *Appius*, immediately remembered they were all *Romans*; and upon this generous Principle, resolved to procure *Justice* for their Fellow-Citizen: They tore up their Ensigns from the Ground, and leaving those Officers which had been placed over them by *Appius*, marched directly towards *Rome* with their own Centurions, and *Virginus* at their Head. The News of their March, and the Occasion of it, flew before them to the City; and never was an Army received with the like Joy, when they came back from the most glorious Victory: All the Streets and Buildings of *Rome* were filled with its Inhabitants, to see the Soldiers pass along; while nothing was heard, but Shouts and Exclamations of *Down with the Tyrant, Down with the wicked Appius: Let us be no longer Slaves; Let us remember that we are Romans.* The Soldiers, with a *Discipline* and *Moderation* which cannot be too much admir'd, marched through the City without offering the least Violence to any Man, or once stirring from their Ranks,

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though

though they often joined in the Acclamations of the People : They encamped upon Mount *Aventine*, and from thence sent Word to *Appius*, that *it was expected he should lay down his Office*. The Senate was immediately convened. *Appius*, by disposing of *Places* and *Money* in a proper Manner, had hitherto constantly secured a *Majority* in that Assembly ; but the Crime of which he was now accused appearing too monstrous to be defended, many of his old Friends left him ; so that the *Senate*, as well as the *Army* and the *People*, insisted upon it, That he should lay down that *Post* which had hitherto screened all his Actions from being enquired into ; and that he should answer as a *Private Man* to what could be objected against him. He found now that all Resistance would signify nothing ; and the *Romans*, with infinite Pleasure, saw him come into the *Forum*, and *publickly* resign his *Post*. He was no sooner divested of his *Power*, than he was *accused*, and brought to his *Trial* by *Virginius*. It was proved upon him, even to a Demonstration, that he was at the Bottom of the *Action* which was brought against that unhappy *Plebeian*. *Claudius* confessed, That in all his Proceedings he had been advised and *supported* by *Appius*, and had only lent his *Name* to *screen* and cover that wicked *Minister*. In short, *Appius* suffered *Death*, a Punishment due to an hundred several Crimes which he had committed while he was in *Power*, and could command the publick *Treasury*. The most notorious Accomplices of his wicked Administration were soon after brought to their several *Trials*, and either put to *Death*, or banished. The Estates  
they



they had acquired by Rapine and Corruption, were all confiscated, and publickly sold. The Produce of them was put by the Questors into the *Publick Treasury*. Thus *Rome* recovered her Liberty. The Joy of the People at this sudden and unexpected *Change of Affairs* can hardly be expressed; it was too big for Utterance. Nothing was more common than to see two generous *Romans* meet in the *Forum*, run into each other's Arms, shed a shower of Tears, and part again without being able to speak a Word.

THE People of *Rome* now sent out their Armies against their victorious Enemies; and soon convinced all their Neighbours, That though they disdained to conquer while they thought a Victory would have confirmed *Appius* in his *Administration*, and their own *Slavery*, yet that when once they were in the full Possession of Things worth defending, viz. of *Liberty* and *Property*, they were not to be conquered. In a Word, the Arms of *Rome* were every where victorious, till at last she became the Mistress of the World.

I HAVE told this Story to no other End, than to shew after what Manner the *Roman* Senate, People, and Army, thought proper to resent the Injustice done to a poor *Plebeian*, their Fellow-Citizen. To this their extream Jealousy of having the least Encroachment made on the *Property* of any private Man, was plainly owing the Preservation of their *Liberties*; and that all Foreigners came to esteem it so high a Favour to be admitted into the Number of *Roman* Citizens.

IF any Nation upon Earth ought to dread the having a bad *Precedent* made in a Case of *Liberty* and *Property*, I am humbly of Opinion, that the *English* more especially ought to do so. To speak plainly, I am afraid that our Proceedings at *Law* have been often too much influenced by one bad *Precedent*; and that a *Judge* and *Jury* have thought it a sufficient Defence of very extraordinary Actions, if they could but prove that something of the like kind (which passed uncensured) was done before in a Case of the same Nature.

I BELIEVE it might be shewn, that the Proceedings against a poor Wretch, whom no body thought worth minding, or worth defending, have been afterwards quoted and taken for *Law*, in the Cases of People of a much higher Rank, and who once imagined themselves not at all concerned at whatever became of him.

FROM this *Digression*, I proceed to give some Account of my Sufferings.

THE several Methods taken to oppress me, and the *Law-Suits* which have been stirred up against me, are almost numberless; but I resolve to confine my self in the following Sheets to the Usage I have met with from a certain Pair of Brothers; and to such Proceedings only as have been carried on against me under their Names.

I CONCEIVE I have an undoubted Right to lay the Behaviour of these two Brethren before the World, since the youngest of them, the Clergyman, thought proper to fall upon me first in the Publick News Papers, and to appear as the Champion both for himself and his Brother.

I WOULD

I WOULD not willingly do this Gentleman the least Wrong; and I shall therefore be so *just* to him, as to let the Publick see whatever he has thought proper to say in the Defence either of his Brother or himself.

IN the *Appendix* to my Book, intituled, *A Letter to the King of Sparta*, (which has made some Noise in the World,) that I might clear my self from the Character Mr. *Walsingham* had given me of a litigious Man, and shew my Readers in what Manner I had *Law-Suits* forced upon me, I thought proper to print the Case between the Reverend Mr. *William Piers* and me. I did nothing more than barely print the *State of my Case*, as I had given it in long before to the most Honourable the *House of Lords*. My *Letter to the King of Sparta* drew the whole Band of *Mercenaries* upon me: The great Mr. *Ulrick D'Ypres* himself appeared at their Head, and led them on. But this little Army not gaining so compleat a Victory as their Patron probably expected from them, the Reverend Mr. *William Piers* was perswaded to mount the Stage, or at least to suffer his Name to be put to what Mr. *Walsingham* wrote for him. I am well assured, and the Reader will easily see, that the *first* Letter in the following Collection, was not wrote by the Reverend Mr. *Piers*: The *second* Letter, to which his Name is put, seemsto have been wrote by *him* and his *Associate* together. But in his *two last Letters*, his Help-mate (who perhaps began to grow weary of his Company) has fairly left the Reverend and Charitable Divine to shift for himself. I am pretty well acquainted with his Stile, and am fully convinced that those two Letters are entirely his own.

ABOUT

ABOUT *eight Months* after the Publication of my *Letter to the King of Sparta*, the following Epistle first appeared in several News-Papers. I have taken it from the *Daily Post* of *June 12. 1731.*

*To the Author of the Daily Post.*

S I R,

“ THE Remoteness of my *Abode*, my Advancement in *Years*, and my general Unconcern about *Controversial Points*, have been the Occasion of this tardy Endeavour to *undecieve the World*, and do *Justice to myself*.

“ IT is but lately a *Book* has fallen into my Hands, entitled, *A Letter to Cleomenes King of Sparta*, written by *Eustace Budgell Esq;* As the Concerns which my *ill Fate* has drawn me into with this *Gentleman*, induced me to a Perusal of this *notable Piece*, I could not but, with extraordinary Attention and Surprise, remark that Part of it which he calls *A True State of his Case*; and as I am, perhaps, the *Only Person* capable of detecting the *Falshoods* and *Prevarications* contained therein, I think myself obliged to give some Answer to it.

“ To set forth a *just Representation* of his *Case*, I should be forced to state it over again; but this I at present forbear, being convinced, that a *Law-Case*, stated in all its Circumstances, and clear’d, as *Truth* requires, from all the *Fucus* of *Oratory*, would be tedious,  
“ dry



“ dry, and unprofitable to the *Reader*. Nor  
 “ am I yet sensible, that Mr. *Budgell* is of Im-  
 “ portance enough to interest the *World* in his  
 “ *private* Affairs. I have been inform’d, in-  
 “ deed, that he has endeavour’d to make him-  
 “ self considerable at *Court*: But his Behaviour  
 “ was so far from answering his Aim, that he  
 “ drew on himself the *Imputation* of a *Disorder*;  
 “ which, if true, would be the *best Apology* he  
 “ can make for his *Deviation from Truth*.

“ PERHAPS then it may be sufficient at this  
 “ Time to declare, That *All the Facts* contain’d  
 “ in *his Case* (on which he founds the *Injuries* he  
 “ so highly complains of) are either *utterly false*,  
 “ or so *gloss’d* and *misrepresented*, as to bear little  
 “ Relation to *Truth*. There cannot be a more  
 “ *flagrant Instance* of his *slender Regard* to *Verac-*  
 “ *ity* and *Honour*, than that *false and malicious*  
 “ *Insinuation* of *my being assisted by some rich and*  
 “ *powerful Person* (whom he frequently stiles  
 “ *his Majesty’s Hero*) to ruin him. Whoever is  
 “ meant by this *Sarcastical Title*, is not my Bu-  
 “ siness to determine, though the *Conjecture* is  
 “ easy; but I declare the *Justice of my Cause* is  
 “ my only Support.

“ THIS *General Reply* to Mr. *Budgell’s va-*  
 “ *rious Charges*, is more, perhaps, than the  
 “ *World* is concern’d to know; the *particular*  
 “ *Circumstances* of which (if his *Obstinacy*  
 “ makes it requisite) will be best submitted to a  
 “ *Court of Judicature* to decide. But if this  
 “ *Gentleman’s Infatuation* should so far delude  
 “ his *Judgment*, as to prompt him to call on  
 “ me for a *Proof of Particulars*, I shall then be  
 “ obliged to shew him to the *World* in his pro-  
 “ per

“ *per Colouring*; in which I shall observe a Conduct contrary to his, as believing *Justice* is better distinguish’d by the *Simplicity of Truth*, than *Oratorical Embellishments*.

“ In the mean Time, Sir, I desire you would give this *Letter* a Place in your *Paper*; and that Mr. *Budgell* may know it comes from one who scorns to stab in the Dark, or assert what he is not able and ready to make good, I shall conquer my Aversion to *appearing in Publick*, and subscribe my Name,”

N. Cadbury, May  
26. 1731.

WILLIAM PIERS.

I SHOULD have taken no Notice of this Letter, had not I been told by that excellent Person, the late Earl of *Orrery*, who did me the Honour to call himself my *Friend*, That though I was in the Right to despise the common Herd of Scribblers, who never put their Names to what they wrote, and who were well known to be hired and paid for publishing Falshoods, and abusing the most valuable Men; yet that he thought the Case was very different, when an ancient *Clergyman* appeared against me with so much seeming Solemnity, and set his *Name* to what he asserted. His Lordship was pleased to add, That though he was himself fully satisfied how much I had been injured, yet that he could wish my Reputation stood as clear as possible with the Publick, that I might be the better enabled one Day to do my Country a substantial Piece of Service; and that he believed my greatest Enemies upon this Occasion, would hardly have the

*Assurance*

*Affurance* to prosecute me for a *Libel*. These Reasons coming from so great and wise a Man, determined me to publish the following Answer to the preceding Letter.

*To the Author of Fog's Journal.*

S I R,

“ I HAVE, upon several Accounts, been  
 “ under some Doubt, whether I should take  
 “ any Notice of a Letter signed *William Piers*,  
 “ of which I am the Subject, and which was  
 “ published about ten Days since in several  
 “ News-Papers.

“ I AM at last determined to say what follows in Answer to it.

“ I AM as fully satisfied, as of any one Proposition in the Mathematicks, that this Letter was not composed by the Reverend Mr. *William Piers*, who is an ancient Clergyman, and Rector of *North Cadbury* in *Somersetshire*. I know that Gentleman perfectly well; I, and many other People, do very well know his most particular *Stile*, and Way of a Writing. Let any Man, who has but common Sense, read the Letter I am speaking of, and he will immediately see in *whose* Vindication the notable Piece was plainly drawn up; he will presently perceive whereabout the Shoe pinched, and may consequently be satisfied from what Quarter this Epistle did most certainly come.

“ BUT though all who know the Reverend Mr. *William Piers*, do very well know that he is the furthest in the World from an *active* Man, yet, 'tis pretty plain he is ex-

D

“ tremely



“ tremely *passive*, I shall say something to a  
 “ Letter to which I do believe he has permitted  
 “ his *Name* to be tacked.

“ IT is certain I have had the Misfortune to  
 “ be engaged in several Law-Suits, which have  
 “ been commenced and carried on against me in  
 “ the *Name* of this Gentleman; it is as certain,  
 “ that I have done all a Man could do; that I  
 “ have offered every Thing a Man could offer,  
 “ who loved *Peace*, and would avoid *vexatious*  
 “ *Suits*.

“ THE only real Dispute between this Gen-  
 “ tleman and me, is for a small Copyhold  
 “ Estate. Our Titles depend upon one plain  
 “ *Fact*, which neither of us do or can deny. I  
 “ have constantly proposed, I have even begged  
 “ and intreated him, that we might lay our re-  
 “ spective Titles before some learned and indif-  
 “ ferent Counsel, and be finally determined by  
 “ his or their Opinion. I do now openly make  
 “ him the same Request; I conjure him, as he  
 “ is a Christian, and a Clergyman, to comply  
 “ with this Proposal; I hope I may call it a  
 “ *fair* and an *honest* one.

“ I AM of Opinion, that the Title to an  
 “ Estate, depending upon one uncontested Fact,  
 “ is much more likely to be *fairly* determined  
 “ by one or two eminent Counsel, at their  
 “ Chambers, who can take what *Time* and what  
 “ *Assistance* they please, than by a *Publick*  
 “ *Trial*.

“ I HAVE heard, that at a *Publick Trial*,  
 “ the Treachery or Carelessness of one Attorney,  
 “ the Knavery of another, a biased JURY, or  
 “ *Something* else which I could name, have of-

“ ten

“ ten occasioned the Loss of the *justest Cause*,  
 “ and the Destruction of the most *innocent*  
 “ Man.

“ IF Mr. *Piers*, as he has hitherto done, re-  
 “ fuses to comply with the Offer I make him, I  
 “ must submit it to the Publick, whether it is  
 “ probable, that an infirm and ancient Clergy-  
 “ man, who lives in *Somersetshire*, who has no  
 “ visible Income upon Earth but a Parsonage,  
 “ who grew old in a College, who left it not  
 “ many Years since, and was at that Time  
 “ notoriously known to be deeply in *Debt*; I say,  
 “ I must submit it to the Publick, whether any  
 “ Man in these Circumstances would chuse to  
 “ engage in, and to multiply Law-Suits in an  
 “ *uncommon Way*, if he was not supported in an  
 “ *uncommon Manner*.

“ THE Reader may see a true *State of the Case*  
 “ between this Gentleman and me, in the Ap-  
 “ pendix to my *Letter to the King of Sparta*;  
 “ and I shall venture to assure him, that 'tis  
 “ worth being perused by any Person who has  
 “ the least Notion either of *Law*, of *Equity*,  
 “ or of *Common Justice*.

“ THE Attorney first employed against me,  
 “ in these Suits, was Mr. *Bower of Somersetshire*;  
 “ and when I have named the *Man*, I believe  
 “ there is not one Gentleman in that County  
 “ who will not allow him to have been a pro-  
 “ per *Instrument* for the *Work* he was employed  
 “ in.

“ A GENTLEMAN of an excellent Judg-  
 “ ment and Understanding, and of as clear a  
 “ Reputation as any at the Bar, was a Witness

“ of the Offers I made to this Man, to prevent  
 “ a Law-Suit, and how those Offers were re-  
 “ ceived.

“ A CERTAIN *Attorney*, residing in Town,  
 “ (and whom, from his Behaviour, I must call a  
 “ *Gentleman*,) when he was let into the Nature  
 “ of this Cause, and desired to carry it on  
 “ against me, absolutely refused to be employed  
 “ in it. Another was at last found, not quite  
 “ so scrupulous, and Mr. *Piers* has had great  
 “ Success in all his Proceedings against me.  
 “ He is at present in Possession of two of my  
 “ Estates; to which I think he has no more  
 “ Right than any Person who reads this. I was  
 “ advised to bring a *Writ of Error* in the House  
 “ of Lords, to prevent his taking Possession of  
 “ one of these Estates, when he had obtained  
 “ a Verdict against me without entering into  
 “ the *Merits* of the Cause, and by what, I think,  
 “ I may justly call a meer *Trick*. Upon this  
 “ *Writ of Error* I was condemned to pay, and  
 “ he has received such Costs, as, I am assured,  
 “ were never given, till that Day, upon a *Writ*  
 “ of Error in the House of Lords since *Eng-*  
 “ *land* was *England*. I humbly trust, that  
 “ barely to mention a plain *Fact* cannot possibly  
 “ give *Offence*: I did, and do submit to the  
 “ Sentence of that most high and honourable  
 “ Court with the utmost Humility and Resig-  
 “ nation. My *Enemies* have at last lodged  
 “ me in a *Prison*, and taken such Methods,  
 “ since my Confinement, to compleat my Ruin,  
 “ as I believe were scarce ever heard of be-  
 “ fore.

“ It

" IT seems *Money* is the Sinews of *Law*, as  
 " well as of *War*: I am sensible Mr. *Piers*,  
 " however it happens, can afford to spend one  
 " hundred Pounds better than I can twenty  
 " Shillings: I am sensible, that though I be-  
 " lieve he is not personally acquainted with ten  
 " People in Town, he has much more active  
 " Friends than any I am blessed with. In a  
 " Word, I am convinced, that at *this Time* it  
 " is to no Manner of Purpose for me to contend  
 " with him.

" I would, however, humbly desire him to  
 " remember, That People have got into the Pos-  
 " session of Estates, which they have after-  
 " wards been obliged to give up again. I  
 " have heard of a *Pair of honest Brothers*, (and  
 " I am sorry to say one of them was a *Clergy-*  
 " *man*) who had a Mind to take their Mother's  
 " Jointure from her. In order to this, they put  
 " themselves in Mourning, went down to the  
 " Tenant, assured him their ancient Mother  
 " was dead and buried, took Possession of the  
 " Estate, and signed a Lease to the Tenant in  
 " their own Names. The Consequence of this  
 " was, That their poor old Mother must actually  
 " have starved, if she had not made a Shift to  
 " prove she was not *dead*, and if her Son, by a  
 " second Husband, had not assisted her to reco-  
 " ver her Estate out of their Hands.

" HOWEVER monstrous, however incredible,  
 " this Story may appear, yet, I fancy, if I am  
 " put upon the Proof of it, I can prove it be-  
 " yond all Contradiction.

" IT is very possible, that the Letter signed  
 " *William Piers* is printed to tempt me to say  
 " some-



“ something that might draw down the Dis-  
 “ pleasure of the most Honourable Court in  
 “ *Great Britain* upon me, or, at least, subject me  
 “ to an Information in the Crown-Office.

“ *THE King of Sparta* and his *Brother Ul-*  
 “ *rick* may find, that though I dare not say all  
 “ I could, I shall say something on such Occa-  
 “ sions, and that the Law of *England* must be  
 “ not a little strain’d, to make the necessary  
 “ *Defence* of an unhappy Man *Criminal*.

“ I BELIEVE those People who thought it ne-  
 “ cessary, for their own Security, to have it be-  
 “ lieved I was *mad* and *distracted*, were in some  
 “ Hopes that they had really done enough to  
 “ have disturbed my Reason; if it is not dis-  
 “ turbed, (and whether it is, or not, some of the  
 “ *best* and *greatest* Men in *England* can at pre-  
 “ sent testify,) I must, and do impute it to a  
 “ particular Protection of Providence. May  
 “ not one of my Fellow-Subjects, who reads this,  
 “ (though he has a much larger Estate, and a  
 “ much stronger Head than I was blessed with,)  
 “ ever experience what it is to have nine or ten  
 “ Law-Suits spirited up, and carried on against  
 “ him at once; and to see that the Attorneys  
 “ employ’d to torment him, though their pre-  
 “ tended Clients have spent their Fortunes, and  
 “ are little better than *Beggars*, never want Mo-  
 “ ney to proceed; and that, to use their own Ex-  
 “ pression, they *play all the Play*. May none  
 “ of my Fellow-Subjects experience, as I have  
 “ done, the *dark* and *borrid* Methods which  
 “ Men in Power will sometimes take, to gratify  
 “ either their *mean Jealousies*, or their *private*  
 “ *Revenge*.

“ I HAVE

“ I HAVE at present little left to lose but my  
 “ *Life*: Some of my Friends are firmly of Opi-  
 “ nion, That several uncommon Attempts have  
 “ been lately made to deprive me even of *that*,  
 “ I confess, I know not what to think myself;  
 “ yet thus much I cannot help saying, That I  
 “ do believe all Mankind would allow, that  
 “ some certain *Circumstances*, if they knew them,  
 “ are a little *odd*.

“ I HOPE I am not more afraid than other  
 “ Men are to meet *Death*. Thus much my Coun-  
 “ trymen and Fellow-Subjects may be assured  
 “ of: If I die in Confinement, I shall leave  
 “ some Memoirs behind me; and that if I live  
 “ to see the Day when I am sure that *Truth* and  
 “ *plain Matters of Fact* will not be call'd a *Li-*  
 “ *bel*, (as I think they ought not to be called in  
 “ a *free Nation*,) I have some Things to acquaint  
 “ them with which are extreamly well worth  
 “ their knowing.”

*I am, Sir, your humble Servant,*

June the 26th.

E. BUDGELL.

THIS Letter produced another from Mr. *Piers*;  
 and I shall, without farther Ceremony, lay before  
 my Readers both his Letters and mine, in the  
 same Order as they were published in the News-  
 Papers.

*To the Author of the Daily-Courant.*

S I R,

“ **A**FTER the injurious Provocations  
 “ given me by Mr. *Budgell* in his Letter  
 “ to *Cleomenes*, &c. I was in hopes, the gentle  
 “ and cautious Answer I gave him, would  
 “ have induced him to make me, at last, a private  
 “ Acknowledgment for the publick Wrongs  
 “ he has offered to my Character; a prudent  
 “ Regard to his own would have wrought this  
 “ Disposition in him. But I find this Gentleman’s  
 “ restless Spirit so much over-powers his  
 “ Judgment, that he will not suffer me to conceal  
 “ from the World the Badness of his Nature;  
 “ which will but too evidently appear  
 “ from my displaying his Schemes and Projects  
 “ to rob me of my Estate.

“ In the State of his Case, (to which he again  
 “ refers his Readers,) Mr. *Budgell* has been  
 “ pleased to assert, That I am not the youngest  
 “ Son living of Mr. *Jo. Piers*, deceas’d, late of  
 “ *Denton* in *Oxfordshire*; though it is a notorious  
 “ Fact that I have been so more than thirty  
 “ Years before our Controversy commenced. I  
 “ beg Leave to ask, in this Place, what kind of  
 “ Infatuation must possess the Man, who could  
 “ hope to reap Advantage from such a Falsity,  
 “ in which he was sure to be easily detected?

“ THE Dispute (and as this Gentleman says,  
 “ the *only* Dispute) between us is for a Copy-  
 “ hold Estate; for which (as I have made it  
 “ appear) he never gave any valuable Conside-  
 “ ration,



“ration, no, not one single Penny. The Whole  
 “of his pretended Title stands thus: When my  
 “elder Brother made over to him some other  
 “Estates, Mr. *Budgell* intreated, in a particular  
 “Manner, that This also might be thrown  
 “into the Deed of Purchase. My Brother de-  
 “murred upon this Request, knowing the Te-  
 “nure of it such as he could not grant. To  
 “whom Mr. *Budgell* urged this notable Persua-  
 “sive:

“*Mr. Piers, Let this also be thrown into the*  
 “*Writings, with all the other Estates, since if*  
 “*you have no Right to it, then you give me no-*  
 “*thing; and if you have, 'tis a Gift I shall be*  
 “*obliged to you for.* Behold a new and artful  
 “Manner, unknown to our Laws, of purchasing  
 “Estates!

“DID I want the Determination of our  
 “Courts of Equity to do me Justice, I should  
 “not fear in so plain a Case, to appeal even to  
 “Mr. *Budgell*'s Resource of Justice, the *People*:  
 “Nor should I think I had Occasion to make use  
 “of his cajoling Arts to bribe their Voices.

“IN Contradiction to what Mr. *Budgell* has  
 “basely published in his Case, I have full Au-  
 “thority from the Reverend Master and Society  
 “of *St. John's College, Cambridge*, to aver, That  
 “they never did, either by themselves, or their  
 “Council, assure or declare to Mr. *Budgell*,  
 “that his Right or Title, in Opposition to  
 “mine, was good. So far were they from  
 “this, that they professedly declined entering,  
 “one way or other, into the Merits of the  
 “Cause. But upon Mr. *Budgell*'s reiterated  
 “Sollicitations to be admitted their Tenant to

“ the Estate in Contest, when a Dispute arose  
 “ among them in Regard to the Prejudices that  
 “ might accrue to my Right by admitting an-  
 “ other Person to the same Estate, Mr. *Budgell*  
 “ accosted them over and over with this most em-  
 “ phatical Speech.

“ *Gentlemen ! I give you so much (75 l.) to pur-*  
 “ *chase a Law-Suit, which I cannot obtain till I am*  
 “ *admitted.* This is the Gentleman who boasts  
 “ he has offered every Thing a Man could offer,  
 “ who loved Peace, and would avoid vexatious  
 “ Suits ! This Gentleman, who purchased an  
 “ Estate without Money, and laid out a round  
 “ Sum upon a Law-Suit !

“ I COULD mention several more Circum-  
 “ stances in this, and other Cases equally de-  
 “ clarative of this Gentleman's Honour and  
 “ Conscience ; but I shall be glad if these may  
 “ be thought sufficient to justify my Proceed-  
 “ ings, and save me from the hateful Character  
 “ of a litigious Man. Unjust as Mr. *Budgell*  
 “ has been to me, I have no Pleasure in expo-  
 “ sing him : I would not add Weight to his  
 “ Afflictions, nor triumph over him in his Mife-  
 “ ries : And could I have vindicated my self by  
 “ any other Methods, I would have shewn him  
 “ the Extent of my Charity in hiding his Faults  
 “ from the World.

“ If in my former Letter I touch'd upon the  
 “ Imputation of Madness, thrown upon this  
 “ Gentleman, I declared I had no Intention to  
 “ insult him ; I mentioned it, but as it appeared  
 “ to me the *best Excuse* for a *bad Conduct* : He  
 “ wronged me, cruelly wronged me, by intima-  
 “ ting, that *I was supported by a Great Man's*  
 “ *Purse*

“ *Purse to ruin him.* I scorn the vile Accusation of being the Instrument of any Man’s Ruin, even of *Him*, who has been the greatest Plague of my Life.

“ I PITY Mr. *Budgell*, who could stoop so much below the Character of a Gentleman, to tell the World, *I left the College deeply in Debt; and that I have no visible Income upon Earth but a Parsonage*; and from thence he infers the Improbability of my being able to carry on Law-Suits upon my own Bottom. What my Circumstances were when I left the College, or what they are now, concerns not the World to know; nor does it become him to publish such wretched Stuff. I shall only inform him, there is such an Art as *OEconomy*; by the Help of which a Man may be enabled, upon a moderate Income, to better his Condition, and maintain his just Rights against base insolent Invaders. I thank God I am thus far enabled; nor have I, nor seek I the Assistance of any Man’s Countenance or Fortune for the Occasion.

“ PASSIVE as Mr. *Budgell* would represent me, I do not think my self oblig’d to be so, whilst he ravishes from me and my Family my Estate. But to endeavour to persuade the World that I have passively permitted my Name to be put to a Letter, calculated to draw him into ruinous Snares, is a Falsity and Baseness which I have Temper enough to pass over with a proper Contempt.

“ I KNOW not what Mr. *Budgell* means by his pompous and pathetic Harangue about the Combinations of Men in Power to rob him of

his *Fortune, Liberty and Life*. Why is all this *Jargon* addressed to me? I have nothing to do with great Men; and I wish I had nothing to do with him. If he has offended such Persons, or they, him, --- what is that to me? I am no Party in their Quarrel. Let Mr. *Budgell* do me strict Justice, and I'll engage to shew him all the Candour and Tenderness that can be due to him from me, as a *Christian* and a *Clergyman*. He needs no softening Arts to bring me to this Temper; it is my natural Inclination, and my Desire to exert it.

SURELY Mr. *Budgell* would persuade us he is a terrible Man, and one of vast Importance, when he intimates that the *Great and Mighty* are leagued together to compleat his Destruction; and that even the *biggest Courts of Judicature* are influenced in their Determinations to this Purpose. Really, to me (who know nothing of his Concerns with such powerful Enemies, and who am only contending with him for a common Point of Right) these Things favour of Madness; and I think my self charitable in such an Imputation: In this View, I can regard him with Concern and Pity. But if he disclaims, and grows offended at my Charity, he will force me to change this mild Censure for one of a much more severe Nature.

WHEN Justice gives her Sentence against any Invader of another's Property, such a one, to screen the Badness of his Cause, is apt to inveigh against the *Treachery and Knavery of Lawyers, bias'd Juries, &c.* I am sorry to see the ingenious Mr. *Budgell* reduced to take up with such trite Common-place

Cant,



“ Cant, which deserves no Answer. Though  
“ he says *there is something else which he could*  
“ *name.* What that dark, mysterious, *Some-*  
“ *thing* may be, I am not anxious to know.  
“ That, perhaps, is reserved for the Subject of  
“ those choice Memoirs with which he threatens  
“ the World.

“ ’Tis trifling, ’tis vile, to endeavour to force  
“ a Belief upon Mankind, that *my Letter was*  
“ *drawn up in Vindication of some other Person.*  
“ Whom he means by that *other Person*, is easy  
“ to conjecture, from the many Inuendo’s he  
“ has thrown out. If these are the Arts by  
“ which Mr. *Budgell* labours to win the World  
“ to espouse his Cause, may he succeed as Truth  
“ befriends him. But if he is false in other his  
“ defamatory Insinuations, as he is in this, I  
“ must believe him the most unjust Man alive,  
“ and least deserving the Compassion his Cir-  
“ cumstances seem to claim: For I solemnly  
“ protest to him, and the World, (if they are  
“ pleased to read our Dispute,) I write for no  
“ body but my self; I am seeking no Man’s  
“ Vindication but my own; and I am sorry he  
“ has laid me under a Necessity of doing it in so  
“ publick a Manner.

“ I chuse to pass unregarded all Reflections,  
“ or Hints of an invidious Nature, foreign to  
“ the Dispute between us. Innocence is not apt  
“ to take Offence at those wretched Artifices  
“ which Men of low Minds are forced into,  
“ either through the Impetuosity of an ungovern-  
“ able Rancour, or in order to amuse Mankind,  
“ and divert them from inspecting too closely  
“ into a weak and wicked Cause. I can smile

“ at

“ at the harmless Darts of Malice ; and even  
 “ grieve for the miserable Archer, when I see  
 “ them recoil and wound his own Breast.

“ He judges right, when he represents me  
 “ unfit to perform an active Part in Life ; (tho’  
 “ I hope I may be allowed to aim at a sincere  
 “ and honest one;) nor Years, nor Inclination  
 “ serve me for that Purpose. Old and infirm  
 “ as I am, I would spend the Remainder of my  
 “ Days in religious Peace. In return therefore  
 “ to this pathetick Strain, I conjure Mr. *Budgell*,  
 “ as he would be thought a Gentleman and a  
 “ Christian, *at last* to submit to Justice, and end  
 “ our Strife. That once done, I promise him to  
 “ pray for a happy Conclusion to All his Trou-  
 “ bles ; for his Peace and Prosperity in all just  
 “ Undertakings ; and assure him, he never more  
 “ shall be disturbed by his and

*Your humble Servant,*

North Cadbury,  
 July 12. 1731.

WM. PIERS.

*To the Author of FOG's Journal.*

S I R,

**I** Entreat you to lay before the Publick the following Reply to a Letter published last Thursday seven-night in the Daily Courant.

**I**N my Answer (published in your Journal) to the first Letter sign'd *William Piers*, which appeared in our News-Papers, I affirmed, that I long since offered every Thing a Man could offer, who loved *Peace*, and would avoid those *oppressive* and *vexatious Suits* which have been carried on against me in this Gentleman's Name. I publicly offered him once more, to refer the Dispute between us to any learned and indifferent Counsel, and conjured him to accept of so fair a Proposal.

Mr. *Piers*, (or he that writes for him,) in his long Reply to me, which fills three whole Columns in the *Daily Courant*, says nothing to all this: He neither gives the least Reason why he will not comply with my honest Proposal, nor vouchsafes to take any Manner of Notice of it. His most remarkable Silence on this Head, must surely give all observing Readers a full Notion of the Completion of his Cause.

SOMETHING he was obliged to say: Let us see what he does say.

HAVING observed, in the first Paragraph of his Letter, that *I will not suffer him to conceal from the World the Badness of my Nature*, he immediately proceeds to shew it in the following Words:

*IN the State of his Case, (to which he refers his Readers,) Mr. Budgell has been pleased to*  
“ assert,

“ assert, That I am not the youngest Son living  
 “ of Mr. J. Piers deceased, late of Denton in  
 “ Oxfordshire; though it is a notorious Fact, that  
 “ I have been so more than thirty Years before our  
 “ Controversy commenced. I beg Leave to ask, in  
 “ this Place, what kind of Infatuation must pos-  
 “ sess the Man who could hope to reap Advantage  
 “ from such a Falsity, in which he was sure to be  
 “ easily detected?

“ I AM sorry, heartily sorry, to tell a Gentle-  
 “ man in Holy Orders, that the very first Fact  
 “ he affirms in his Letter, the Fact of which he  
 “ assures his Readers, and argues upon in so  
 “ solemn a Manner, is a most notorious, a  
 “ most flagrant Falshood. I do no where as-  
 “ sert, in the State of my Case, that Mr. Wil-  
 “ liam Piers is not the youngest Son living of  
 “ his deceased Father Mr. J. Piers, or any Thing  
 “ like it: On the contrary, I always did, and  
 “ still do, most readily grant, that he is so. I  
 “ join Issue with Mr. Piers upon this plain Fact,  
 “ and am content, that my whole Credit with  
 “ my Readers shall stand or fall upon this single  
 “ Point. Either Mr. Piers, or I, do certainly  
 “ assert a most shameful Falshood; and which of  
 “ us does so, every Man in England may be sa-  
 “ tisfied who will but give himself the Trouble  
 “ to read over the short, but most remarkable  
 “ State of my Case, in the Appendix to my Letter  
 “ to the King of Sparta. Does Mr. Piers (or  
 “ Mr. Walsingham, who may possibly write for  
 “ him) call this observing that Simplicity of Truth  
 “ which he promises to use in his first Letter?  
 “ Have I not a just Right to turn his own  
 “ Words upon him? viz. What kind of Infatua-  
 “ tion must possess the Man who could hope to reap  
 “ Advantage



“ Advantage from such a Fallacy, in which he was  
 “ sure to be easily detected?

“ THE Reverend Mr. *William Piers* pretends,  
 “ that he appears in Print to justify his *Cha-*  
 “ *rafter* and *Reputation*: In my Answer to his  
 “ first Letter, speaking of those *Tricks* by which  
 “ he has got into the Possession of two of my  
 “ *Estates*, I use the following most remarkable  
 “ Words:

“ I would, however, humbly desire him to re-  
 “ member, that People have got into Possession of  
 “ *Estates*, which they have afterwards been obliged  
 “ to give up again. I have heard of a Pair of  
 “ honest Brothers, (and I am sorry to say one of  
 “ them was a Clergyman,) who had a Mind to take  
 “ their Mother's Jointure from her. In order to  
 “ this, they put themselves in Mourning, went  
 “ down to the Tenant, assured him their ancient  
 “ Mother was dead and buried, took Possession of  
 “ the Estate, and signed a Lease to the Tenant in  
 “ their own Names. The Consequence of this was,  
 “ that their poor old Mother must actually have  
 “ starved, if she had not made a Shift to prove she  
 “ was not dead, and if her Son by a Second Hus-  
 “ band had not assisted her to recover her Estate  
 “ out of their Hands. However monstrous, how-  
 “ ever incredible this Story may appear, yet Ifancy,  
 “ if I am put upon the Proof of it, I can prove it  
 “ beyond all Contradiction.

“ In the preceding Paragraph I strongly inti-  
 “ mate, that a certain Clergyman had been guilty  
 “ of an *Action* which no body can hear without  
 “ the utmost Horror. How many Wretches do  
 “ almost daily suffer an ignominious Death for a  
 “ less Crime? What innocent Man, who was  
 F “ defending

“ defending his *Character*, would not, at least,  
 “ have asked, *How does this horrid Paragraph*  
 “ *relate to me?* Mr. Piers, in his *long Epistle*,  
 “ does not once touch upon it, but (for *Reasons*  
 “ best known to *himself*) preserves a most pro-  
 “ found and amazing *Silence* on this Head. I  
 “ enter upon it with great *Reluctance*, when I  
 “ consider the *divine Character* this Gentleman is  
 “ vested with; but since I have not Time to de-  
 “ tect all those *Falshoods* I find him capable of  
 “ asserting, I must humbly entreat him to give a  
 “ *plain and direct Answer* to the *following Que-*  
 “ *ries*. When he answers these *Queries*, I be-  
 “ lieve, the Publick will soon be convinced  
 “ whereabouts *Justice* lies; and whether they  
 “ ought to credit Mr. Piers, or me, whenever  
 “ we differ about *Matters of Fact*.

*Quere 1.* “ If Mr. Piers only relies on the  
 “ *Justice* of his Cause, and not on *some Things*  
 “ which he knows I dare not *name*, why will he  
 “ not submit the Dispute between us to be de-  
 “ termined by any eminent and indifferent Coun-  
 “ cil learned in the Law?

*Q. 2.* “ WAS not the very *Estate* in Dispute  
 “ between us his *Mother's Jointure*? and did  
 “ not he and his eldest Brother, J. Piers, of  
 “ *Denton*, go down to the Tenant, by Name  
 “ *Robert Pazey*, and assure him their Mother was  
 “ *dead*, though she was really *living*?

*Q. 3.* “ DID they not actually take Posses-  
 “ sion of the *Estate*, and persuade the Tenant to  
 “ accept of a *Lease* from them, which they *both*  
 “ signed?

*Q. 4.* “ WHY should Mr. *William Piers* per-  
 “ suade his *eldest Brother*, from whom I *pur-*  
 “ *chased*,

“ *chased*, to sign a *Lease* to the Tenant, if he  
“ thought his said Brother had no Right to this  
“ Estate?

Q. 5. “ MUST not his *old Mother*, a very good  
“ *Woman*, have wanted Bread, if her Son by her  
“ Second Husband, the Reverend Mr. *Cade*, a  
“ worthy Clergyman still living, had not taken  
“ Care of her, and forc’d the two Mr. *Piers’s* to  
“ restore her Estate?

Q. 6. “ CAN Mr. *Piers* possibly except to  
“ Mr. *Cade’s* Evidence, in relation to the several  
“ Matters contained in the four last Queries?

“ I THINK, I never saw Mr. *Cade* above  
“ twice or thrice in my Life ; but I am assured,  
“ he has the Character of a most *worthy, honest,*  
“ *plain* Man, who edified his Parishioners more  
“ by the filial *Love* and *Respect* he shewed to his  
“ *Mother*, than some Clergymen do by an hun-  
“ dred Sermons. All who know him are fully  
“ satisfied, that Nothing but the *Force of Truth*  
“ could oblige him to assert *Facts* so much to the  
“ *Disgrace* of his Brother, and a *Man* of his own  
“ Order.

“ IF Mr. *Piers* will vouchsafe to answer the  
“ several Queries above, I am sure, the World  
“ will soon have a proper Notion, both of *him*,  
“ and the *Motives* he acts upon ; and, that I need  
“ not detect all the *Falshoods* advanced in his  
“ Letter. Can any Man of *common Sense* be-  
“ lieve what he endeavours to prove, namely,  
“ that I purchased the Reversion of his Bro-  
“ ther’s Estate, without paying a single Penny  
“ for it? When his Brother had shewn me his  
“ *unhappy* Circumstances, and begged me, for  
“ above a *Twelve-month* together, to buy the Re-

“ version of his Estate, I paid him 800 l. for it  
 “ at one Time, as may appear by the Purchase  
 “ Deeds: I likewise forgave him *several Sums* of  
 “ Money, which I had lent him before in his  
 “ Necessities, and reckoned him Nothing for all  
 “ the Pains, and many long Journeys I was  
 “ obliged to take, in order to settle his Affairs.  
 “ I may safely affirm, and he himself has own-  
 “ ed in *twenty Letters*, that I preserved him  
 “ from *utter Ruin*. How I have been requited  
 “ by this *honest Pair of Brothers*, by what *Per-*  
 “ *sons*, and with what *Views* they have been *sup-*  
 “ *ported* and *encouraged* to multiply and carry  
 “ on Law-Suits against me, is pretty notorious  
 “ to a great many People, and what I shall not  
 “ now enter into.

“ I BELIEVE this *Purchase* has proved to me  
 “ the *dearest Purchase* any one Man in *England*  
 “ ever made of so small an Estate.

“ I WILL not trouble the Reader with de-  
 “ tecting at large a *mean Falshood* in that Part of  
 “ Mr. *Piers's* Letter, where he mentions the Mas-  
 “ ter and Society of *St. John's College*. This  
 “ learned Society has no manner of Interest in  
 “ the Dispute between me and Mr. *Piers*; it  
 “ was not their Business to *declare to me by them-*  
 “ *selves, or their Council, that my Title was good,*  
 “ neither do I *any where* assent that they did.  
 “ They admitted me their Tenant; which is no  
 “ more than they were in *Justice* obliged to do;  
 “ yet I must acknowledge, I was received and  
 “ treated in so *genteel* a Manner by the *chief*  
 “ *Members* of this learned Society, that I shall  
 “ think my self obliged to serve their College,  
 “ if ever it happens to lie in my Way. I might  
 “ very



“ very well tell them, *I had purchased a Law-Suit*; I might have said *half a dozen Law-Suits*.

“ I MUST make a short Remark on the *Language* with which Mr. *Piers* (or his Secretary) has treated me. The several Epithets of *base, vile, insolent, &c.* which he so freely confers upon me, seldom become the Pen of a Gentleman, much less do they agree with that amiable Humility which always appears in a good Clergyman.

“ THERE are likewise particular Reasons, why these Words are not quite so decent from Mr. *Piers* to me. His *Wife* was my Aunt's *Servant* many Years, and lived in my Father's Family. The *Money* she got in her Service, with a generous Legacy her Mistress left her, did, I am told, serve to pay off some of Mr. *Piers's* most troublesome Debts. In consideration of her being a *Servant* in our Family, I sold her an Annuity on my paternal Estate, for *two Years* Purchase less than she must have given another Man. I should scorn to mention these Particulars, if Mr. *Piers* and his Lady did not shew me they had quite forgot them, and if they had not been drawn from me by such hard Epithets as *BASE, VILE, and INSOLENT*.

“ I HAVE done with Mr. *Piers*, but must say a Word or two to those who assist him, and sculk behind his Name. I cannot take it amiss, that I am used in the same Manner with a Gentleman whose Abilities and Fortune are so vastly superior to mine; ----- I mean Mr. *Pulteney*. This Gentleman had as fair a Reputation

“putation as most Men in *England*; but he no  
 “sooner attempted to do his *poor Country* a most  
 “*necessary* and *important* Piece of Service, than,  
 “in order to *divert* him from it, his *private*  
 “*Character* was attacked with the utmost *Ma-*  
 “*lice*. The best of it is, the whole World sees  
 “through these *Plots*. I do assure the *King of*  
 “*Sparta*, they shall never succeed on me; and  
 “that, though I may make a *short Excursion* on  
 “my *own Account*, it shall never *divert* me  
 “from doing what, I hope, may be for the  
 “*Good of my Country in general*.

*I am, Sir, your most humble Servant,*

E. BUDGELL.

*To the Author of Fog's Journal.*

S I R,

“**Y**OUR Paper is so generally read, that  
 “if you please to publish the enclosed  
 “Letter, I shall make no Doubt of its falling  
 “into the Hands of that Gentleman to whom  
 “it is directed.

*I am, Sir, your most humble Servant,*

E. BUDGELL.

*To*

To the Reverend Mr. William Piers, Rector of  
North Cadbury in Somersetshire.

S I R,

“ HAVING, I hope, in my last Letter,  
“ which was published in this Journal  
“ on the Seventh instant, given a full Answer  
“ to the several *Facts* you were pleased to ad-  
“ vance; having detected you of asserting a  
“ most *flagrant Falshood*, which you yourself  
“ *knew* to be a *Falshood*; and lastly, having  
“ proposed to you some certain *Queries*, to which  
“ when you give a plain Answer, I believe the  
“ Publick need be no longer troubled with our  
“ Controversy, I shall in this Letter say some-  
“ thing to that *Air of Religion* which runs through  
“ all your *last Epistle*, and of which I have yet  
“ taken no notice.

“ I BEG Leave to inform you, Sir, that we  
“ live in an *observing*, though in a very *wicked*  
“ Age; in an Age when People do not much  
“ mind Mens *Words*, when they see them con-  
“ tradicted by all their *Actions*; and when the  
“ Vulgar, if they see a Man, who, while he talks  
“ of *Heaven* and *Charity*, sticks at Nothing to  
“ get *Money* and *Preferment*, are very apt to  
“ fancy that such a Man looks upon *Religion* on-  
“ ly as a *Trade* to acquire *Riches*, and does not  
“ himself believe one Word of all the *Stories* he  
“ tells. Give me Leave to lay before you the  
“ *Part* you have *acted*, with relation to me.

“ I CONCEIVED, at least, that I was most  
“ cruelly injured and oppressed by a certain Per-  
“ son;

“ son; and that, to say nothing of *Justice* and  
 “ *Humanity*, he had treated me with the *basest*  
 “ *Ingratitude*. I offered to make good this  
 “ Charge against him, before one or more of his  
 “ own best Friends. In order to drown my  
 “ Complaints, the *Band of Mercenaries* were im-  
 “ mediately commanded to fall upon me. One  
 “ of them, a Fellow who is notoriously known  
 “ to receive a *Weekly Salary* (besides particular  
 “ Sums on extraordinary Occasions) for abusing  
 “ Mr. *Pulteney*, the late Lord *Bolinbroke*, and  
 “ your humble Servant, had the Assurance to re-  
 “ present me to the Publick, in a Pamphlet which  
 “ he wrote against me, under the *worst* of Cha-  
 “ racters, namely, that of a *litigious Man*, who  
 “ loved and fomented Law-Suits. In order to  
 “ shew the Injustice of this Aspersions, to shew  
 “ in what Manner I had Law-Suits forced upon  
 “ me, and was hunted through all the Courts,  
 “ I thought proper, in my *Letter to the King of*  
 “ *Sparta*, to publish the Case between you and  
 “ me. I could have said much more, and have  
 “ opened such a Scene, as, I believe, would have  
 “ made every Gentleman in *England* start at the  
 “ Sight of it; but I only printed the *State of*  
 “ *my Case* verbatim, as I had before given it  
 “ into the most honourable House of Lords.  
 “ You are treated in that Case with the utmost  
 “ Tenderness, as an ancient Clergyman, who  
 “ possibly might not know of all the *Injustice*  
 “ and *Oppression* that had been committed un-  
 “ der your Name. My *Letter to the King of*  
 “ *Sparta* drew all the *Mercenaries* afresh upon  
 “ me. I was attack’d by *Osborne*, the *Hyp-*  
 “ *Doctor*, and *Walsingham*, with his Excellency  
 “ Mr.



Mr. Ulrick D'Ypres at their Head. No *Scar-  
rilities* were omitted, which they imagined  
might provoke me to some *Imprudence*. Ha-  
ving answered, in the Opinion of most Peo-  
ple, whatever these worthy Gentlemen had to  
say to me, I find, Sir, you are at length com-  
manded to mount the Stage, or, at least, to  
allow your Name to be tack'd to what Mr.  
*Walsingham* writes for you. It is certain that  
you make your Appearance a little of the  
latest; I believe it is now about *eight Months*  
since my *Letter to the King of Sparta* was pub-  
lished; and above *three Years* since that *State*  
of my Case was first printed, which gives you,  
it seems, so much *Uneasiness* at present, after  
you had been so long *silent*.

“ IN your first Letter, which you printed  
both in the *Daily and Evening Post*, you only  
thought proper to deny, in general, the several  
Facts mentioned in the *State of my Case*; but  
then you threatened, that

“ If my Infatuation should so far delude my  
Judgment, as to prompt me to call on you for a  
Proof of Particulars, you should then be obliged  
to shew me to the World in my proper Colour-  
ing.

“ You added, That

“ You should observe a Conduct contrary to mine,  
as believing Justice is better distinguished by the  
Simplicity of Truth.

“ IN my Answer to this terrible Letter, I still  
ventured to assert the Truth of the *State of my*  
Case. Upon which you set about the *Work* you  
had promised the Publick, viz. to shew me to

“ the World in my *proper Colouring*, and to  
 “ distinguish *Justice* by the *Simplicity of Truth*.

“ THE very *first Step* you made in this *laudable Undertaking*, after having demurely expressed a most *christian-like* Concern, that my *Impudence* would not suffer you to conceal from the World the *Badness of my Nature*; I say, the very *first Step* you made after this *pious Preface*, was to affirm a downright *Falshood*; to affirm a *Fact* which you knew was false at the Time you affirmed it, and which every Man in *England* may see is *false*, who will but peruse the *State of my Case*, in the *Appendix* to my *Letter to the King of Sparta*.

“ PARDON me, Sir, if I am a little free with you upon this Occasion; I am fully convinced, that you are only made use of by some People to *divert* me from executing a Design they suspect I am upon, and which I have *Reasons* to believe, gives them some *Uneasiness*. But this notable *Plot* shall not succeed, if I can help it. I do assure you, Sir, that till you can *prove* (which I defy you to do) that you have not *knowingly* and *wilfully* told the Publick a most *flagrant Falshood*, and till without any *Shuffling* or *Prevarication* you give a *direct* and full Answer to the six *Queries* I proposed to you in my last Letter, I shall take but very little Notice of any Thing you can write against me, or of any Thing published in your Name.

“ I AM told (I do not assert it on my own Knowledge) that when you went down to *St. John's College*, to get yourself admitted to the Estate in Dispute between us, you as-  
 “ sured

" fured the College, that you was your Father's  
 " *youngest Son* at the *Time* of his *Decease*; and  
 " had this *Fact* been *true*, your Title to this  
 " Estate had been unquestionable; the Custom  
 " of the Manor in which it lies being *Burrough*  
 " *Engliff*. But, Sir, you very well know, that  
 " when your Father died, you had two younger  
 " Brothers, *Edward* and *Laud*; your Father  
 " purchased this little Estate, which was sur-  
 " rendered to the Use of himself and his Wife,  
 " and the longest Liver, and afterwards to the  
 " Use of his Heirs. Upon his Decease, the  
 " *Reversion* of this Estate, after his Wife, be-  
 " came vested both by his last *Will*, and the  
 " *Custom of the Manor*, in his youngest Son  
 " *Laud Piers*; who dying intestate and unmar-  
 " ried, it fell to his *Heir at Law*, namely, to  
 " his eldest Brother *John Piers*, from whom I  
 " bought it, and who has surrendered it to my  
 " Use.

" THIS, Sir, is my *Title*; which I am af-  
 " fured, by the *unanimous* Opinions of a *great*  
 " *Number* of the most eminent Council in *Eng-*  
 " *land*, is as clear as the Sun at Noon-Day.  
 " Every Gentleman who understands the *Law*  
 " must see that it is so. I am well assured, that  
 " you yourself (and a *greater Man* than your-  
 " self) do know that it is so; and this will serve  
 " to account for your constantly refusing to sub-  
 " mit the Dispute between us to the Judgment  
 " of any learned and indifferent Council.

" LET me intreat you, Sir, to reflect a little  
 " seriously upon what you are doing. It is ve-  
 " ry possible, that by meer Dint of Money you  
 " may *oppress* me some Time longer. It is

“ possible Things may be so *settled*, that an hundred Law-Suits may cost you *Nothing*; but  
 “ though you was even sure to get a *Bishoprick*  
 “ by the Part you are acting, you would, methinks, do well to remember, that you could  
 “ not *long* enjoy your Grandeur. Though you  
 “ talk of your *Family* in your *Letter*, you have  
 “ none to provide for that I know of; you have  
 “ had no *Child* by your *Lady*; you were both  
 “ ancient Persons when you came first together.

“ You are contributing all in your Power to  
 “ the Ruin and Confinement of a *Man*, to whom  
 “ your Brother had *great Obligations*, to whose  
 “ Family your *Lady* had some, and who always  
 “ treated you with the utmost Civility.

“ INSTEAD of all those *fine Things* mentioned  
 “ in your *Letter*, such as the *Extent of your*  
 “ *Charity*, your *Aims at Sincerity and Honesty*,  
 “ and the *Benefit of your Prayers*, which on some  
 “ *certain Conditions* you allow me to hope for;  
 “ I shall think myself infinitely obliged to you,  
 “ if you will but condescend to do me *strict*  
 “ *Justice*, and leave the Determination of what  
 “ is so, to some worthy and impartial Person,  
 “ or Persons, learned in the Law.

“ I SHOULD imagine your complying with  
 “ the Request I now make you, should not be  
 “ the most unlikely Method towards your attaining that *Religious Peace*, in which you assure all your Readers, you *desire to spend the*  
 “ *Remainder of your Days*.

“ IT is with Reluctance that I do any Thing  
 “ which may expose the Character of a *Minister*  
 “ of the Church of *England*; you have forced  
 “ me



“ me to say what I have said; do not oblige  
 “ me to proceed; I am, perhaps, not so much  
 “ a Stranger to some *Passages* in your Life, and  
 “ to some *Management* in the Law-Suits between  
 “ us, as you may imagine.

“ I HAVE ever had the utmost Respect for a  
 “ good Clergyman: I am proud to own, that I  
 “ am myself in a double Capacity a Son of the  
 “ Church of England. My Mother, whose  
 “ Name is still famous in the West of England  
 “ for her *Virtue*, her *Piety*, and her *Beauty*, was  
 “ the only Daughter of a Gentleman whose *Me-*  
 “ *rit* raised him to the highest Order in the  
 “ Church; and I have the Pleasure to hear, that  
 “ my Grandfather was no *Disgrace* to the *Bench*  
 “ of Bishops, when several Prelates sat upon it,  
 “ whose *Actions* were a Proof that they preferred  
 “ the *Testimony* of a good Conscience, and that  
 “ *Duty* they owed their Country, to their own  
 “ private Interests.

“ BUT though I am a Son of the Church, I  
 “ must confess I have been much more conver-  
 “ sant in the Writings of *Ancient Philosophers*,  
 “ than of *Modern Divines*.

“ IN Return to your promising to *pray* for  
 “ me, on some certain *Conditions*, for which  
 “ *Promise* (however limited) I most heartily  
 “ thank you; I beg Leave, Sir, to submit the  
 “ following *Article* of my *Creed* to your serious  
 “ Consideration and Judgment.

“ I do humbly hope, and stedfastly believe,  
 “ that *Justice*, *Gratitude*, *Honour*, and *Huma-*  
 “ *nity*, though they are *Virtues* recommended to  
 “ us by a Pack of *Heathen Writers*, are not ut-  
 “ terly

“terly inconsistent with the Precepts of the  
“*Gospel*, and the Doctrine of *Christianity*.”

*I am, Sir, your most humble Servant,*

E. BUDGELL.

*To the Author of the Daily Courant.*

S I R,

“**B**Y laying the inclosed before the Gentle-  
“man to whom it is addressed, you will  
“oblige

*Your Most Humble Servant,*

W. PIERS.

*To* EUSTACE BUDGELL *Esq;*

S I R,

“**I**T must be confessed you have an admira-  
“ble Faculty at raising a Mist, and baffling  
“the Inspection of superficial Observers; for  
“such only are to be blinded with your *Ora-  
“torical Rubbish*. Yet I make no Question but  
“*Truth* will be strong enough to dispel all these  
“Clouds, and expose the shameful Nakedness  
“of your Designs and Actions to full View.  
“My remote Abode (the Distance of above  
“an hundred Miles) affords you one Advantage  
“indeed:

indeed: By living near the *Press* you can attack me one Week, and sing your Triumph for it the next; and all this e'er I can well have Notice of your Advances. But elate as you may strut with your *fancied Victory*, *Truth* (though late) will surely prevail; and well for you, if she reduces you to sing your *Recantation*; the only Method you can take to do *Justice* to me, and all those whom you have *obliquely calumniated* through me.

" You begin your *Triumphal Ditty* with having fixed, as you say, a most flagrant Falshood upon me. How does that appear? Why I took notice in my last Letter, That in the *State* of your *Case* you asserted, *That I was not the youngest Son living of Mr. John Piers deceased*, &c. though, as I told you, I had been so upwards of thirty Years before our Controversy commenced; you now deny that you ever said any Thing like this. Near the Beginning of your *Case* I found these Words:—William Piers, *the second Brother, who was neither his Father's nor his Mother's youngest Son at the Time of their Death, went down to Cambridge, &c.* These Words I did and do still understand in the Sense I have put upon them; in no other could they be of any Service to you. But if you, or the more *intelligent Reader*, will fix any other Construction upon them, I shall think it no Disgrace to confess the *Error* of my *Judgment*; which is all I can be chargeable with in this Place. Supposing me mistaken; can such a Mistake justify the Torrent of foul insulting Language, which you pour upon me? But

" I can

“ I can excuse you, Sir; it was necessary for  
 “ you to catch hold on any Trifle, and grow  
 “ outrageous upon it, in order to ferment your  
 “ Readers Passions, that they may be less at-  
 “ tentive while you more carelessly slide over the  
 “ more material Points, and make use of all the  
 “ evasive Finesse which your Skill in Law Chi-  
 “ canery can furnish you with.

“ THAT I do you no Injustice in this Charge,  
 “ will evidently appear in my Notice of your  
 “ *Queries*, wherein (though quite foreign to our  
 “ *Dispute*) you stuff more scurrilous *Ribaldry*  
 “ than any one but yourself would venture to  
 “ dawb a *Chancery Bill* with. This kind of  
 “ Artifice (pardon my Allusion) resembles that  
 “ of a cunning Thief, who first rolls a *Gentle-*  
 “ *man* in Mud to frighten all Assistants from  
 “ him, that he may be left to pick his Pocket  
 “ in Safety.

“ In your Letter, printed in the *Grub-Street*,  
 “ July 29. you charge me with another Fals-  
 “ hood, in misrepresenting your Concerns with  
 “ the *Society of St. John's College*. You say,  
 “ *It was not their Business to declare to me by them-*  
 “ *selves, or their Council, that my Title was good.*  
 “ Neither do I any where assert that they did.  
 “ Let us now see what the Case says, p. 7.—  
 “ *And Mr. Budgell being assured by all the Coun-*  
 “ *cil he consulted, that his Title was good, he*  
 “ *laid the same before St. John's College; who*  
 “ *being likewise assured by their Council that the*  
 “ *Estate was Mr. Budgell's, admitted him to it.*  
 “ If neither the College nor their Council assured  
 “ you of this their Determination, how came  
 “ you to know it? Here then is a flat Con-  
 “ tradition



“tradiction of your own Assertion; which you  
“can never evade, but by a Quibble unworthy a  
“Man of common Sense. But I must fix on you,  
“in this Place, a double Falshood; 1. of *con-*  
“*tradicting yourself*; 2. of *abusing that Society*;  
“for they acquainted me by Word of Mouth  
“and Writing also, That they could not at all  
“interfere with respect to Title. You conclude  
“this Paragraph with adding, — *I might*  
“*well tell them I had purchased a Law-Suit.*  
“Yes, Sir, and it must be confessed you have  
“most admirably accumulated your Gains; for  
“with that *Law-Suit* you have purchased also  
“a most infamous Character. I wish you Joy  
“of your Bargain.

“To the third Article of my last Letter you  
“reply, — *Can any Man of common Sense be-*  
“*lieve what he endeavours to prove, namely, that*  
“*I purchased the Reversion of his Brother's Es-*  
“*tate, without paying a single Penny for it?*  
“Really, Sir, as I believe no Man of common  
“Sense and Honesty would have acted as you  
“have done, I shall not wonder if they stand  
“aghast at your Conduct. But that you did  
“purchase (if I may so call it) *this Estate with-*  
“*out paying a single Penny for it*, my Brother  
“not only did, but does still certify, and de-  
“clares he never *sold*, but only *gave* it you. But  
“if my Brother may be suspected in this Decla-  
“ration, I shall corroborate his Evidence with  
“your own Confession. I know, Sir, you have  
“occasionally a very bad Memory; but old  
“and infirm as my Body is, my Mind is yet  
“strong enough to retain a Conversation which  
“pass'd between you and me about nine or ten  
“H “Years

“ Years since. I then asked you, What was  
 “ the *valuable Consideration* you paid my Brother  
 “ down for *this Estate* now in Contest? You  
 “ immediately replied, — *None.* — You only  
 “ added, *That there ought to be some Consideration*  
 “ *had on Account of 800 l. paid down, (for*  
 “ *other Estates purchased of my Brother,) and*  
 “ *which had lain dead a long Time.* That the  
 “ 800 l. paid down was not a bare Equivalent  
 “ for the *other Estates*, exclusive of this *Essex*  
 “ Estate, does plainly appear, and will be yet  
 “ attested by my Brother.

“ THESE, Sir, were the *Articles* contain’d in  
 “ my last, to prove in part the *Falshoods* and  
 “ *Prevarications* contained in the State of your  
 “ Case. How you have cleared yourself of  
 “ them, let the World judge.

“ BUT supposing that *this Estate* was sold to  
 “ you, and you paid the Worth of it; yet if  
 “ it was another Man’s Right, *Caveat Emptor*,  
 “ must I forfeit my *just Title*, if you bought a  
 “ *bad One*? Prove your *Purchase-Money* paid,  
 “ and *claim* it of him who gave you a false *Title*  
 “ for it. But you know too well you did not  
 “ buy with any *Coin* but *inveigling Words*, which  
 “ I must again confront you with. — Mr.  
 “ Piers, you cried, *throw this also into the Writings*  
 “ *with all the other Estates; since if you*  
 “ *have no Right to it, you give me nothing; and*  
 “ *if you have, it is a Gift I shall be obliged to you*  
 “ *for.* By this Artifice you ensnared my Brother,  
 “ laid the Foundation of a Law-Suit, and  
 “ gain’d — what? *Shame and Distress; the*  
 “ *just Rewards* of such foul Practices.

“ NOR

“ NOR can it be forgot, That on your ill  
“ Success in that Trial at *Chelmsford* in *Essex*,  
“ (*March* 8. 1726-7.) you could not forbear  
“ at that Time expostulating with my Brother,  
“ (from whom you pretended to *purchase* the  
“ *Estate* in *Contest*;) and upbraiding him with  
“ his Endeavours to *defraud* me of this *Estate*;  
“ notwithstanding you had set up *his Title* (by  
“ which you now claim) *against mine*, by Means  
“ of the above-mentioned Fraud.

“ THIS, Sir, you will say is being free with  
“ you : I am necessitated to be so ; and to de-  
“ tect the Vileness of your Nature. Yet sure  
“ *Decency* and *Good Manners* (whose Limits I  
“ would not willingly transgress) will not re-  
“ buke me for affixing such *Epithets* as your  
“ Actions call for.

“ Now, Sir, to your *Queries*. — In your  
“ first you ask me, Why I will not submit the  
“ Dispute between us to be determined by some  
“ *eminent Counsel* learned in the *Law* ? To this  
“ I answer, Because I was first and justly ad-  
“ mitted, and am still in *legal* Possession of my  
“ Right ; which I believe no Man would ever  
“ give up, to have his Title canvass’d afresh at  
“ the Caprice of an *insolent Pretender*. Would  
“ you, Sir, do this ? Persuade the World to  
“ believe it, if you can ; and when that Day  
“ comes, I shall also believe you may gain Cre-  
“ dit for all the *Scurrilities* you have, or may  
“ invent. In the mean Time, if you think you  
“ have a better Title to my Estate, make it ap-  
“ pear, and I declare to the World I will do  
“ you Justice.

H 2

“ YOUR

“ YOUR second Query, and the following  
 “ ones, which are built upon it, contain the  
 “ most cruel of Charges; a Charge which my  
 “ Soul shrinks at, and detests, as much as I do  
 “ you, Sir, the wicked Inventor or Publisher of  
 “ it. The Sum of it is this; — *That my Bro-*  
 “ *ther and I put ourselves in Mourning, went to*  
 “ *the Tenant, by Name Robert Pazez, and as-*  
 “ *ured him our Mother was dead, (though living*  
 “ *at the same Time,) in order to seize her Join-*  
 “ *ture; that we did so, and turn'd her out a star-*  
 “ *ving; which must really have been her Case, had*  
 “ *not her Son Mr. Cade relieved and reinstated her*  
 “ *in the Possession of her Estate.* This, as I take  
 “ it, is the Substance of your Charge. *As to*  
 “ *my Share in the Scandal, I do solemnly aver,*  
 “ *upon my sacerdotal Word, it is as basely*  
 “ *false, as it is barbarously malicious.* That  
 “ Mr. Cade may have his Reasons for dressing  
 “ up this horrid Story, I am well aware; what  
 “ those are, I scorn to publish till I am pro-  
 “ voked by him. In the Interim, Sir, *I chal-*  
 “ *lenge you to make good your Charge.* Let  
 “ both our Credits depend upon it; and may  
 “ *lasting Infamy* fall on one of us! on me, if I  
 “ am proved guilty of the Facts; on you, if  
 “ you have unjustly accused me; and may your  
 “ future Credit stand or fall by this Trial of  
 “ your Honour and Veracity.

“ I SHOULD take no Notice of your con-  
 “ temptuous Treatment of my Wife, was it not  
 “ to shew you, (I wish it may be to the Convic-  
 “ tion of your Conscience,) that *Truth* and you  
 “ are *irreconcilable Foes.* 'Tis strange you can-  
 “ not relate a trifling Circumstance without fal-  
 “ sifying



“ fifying it. Remember, Sir, my Wife was a  
“ First-Cousin to your Aunt; under whom she  
“ received her Education, and with whom she  
“ lived as a Companion, not a Servant, as you  
“ maliciously and foolishly declare. That *her*  
“ *Wages paid my Debts*, is an Assertion of yours  
“ of the same Complexion with the rest, *false*  
“ and *silly*.

“ WHO could sink into such *Scurrilities* as  
“ these, but you, Sir, who are so remarkable a  
“ Diver into *Filth* and *Falshood*? You, who can  
“ rake the darkest Abyfs of Invention for Mat-  
“ ter of *Defamation*.

“ I FIND, Sir, you are still resolved to tack  
“ my *private Vindication* of myself upon the po-  
“ litical *Writers*, nay, more, to impute it to the  
“ *Management* or *Influence* of some *great Men*.  
“ And do you expect your bold *Surmises* will  
“ be of more Weight with the *Publick*, than  
“ my *repeated solemn Declaration*? Once more  
“ I protest to you, and all Mankind, I have *no*  
“ *Commerce* or *Acquaintance* with any of the  
“ *great Men* hinted at by you; nor with any of  
“ those *Gentlemen* whose *Attacks* you complain of.  
“ But whatever their *Attacks* may be, I have no  
“ Reason to question, but that you still give them  
“ *full Provocation*. I should be at a Loss to ac-  
“ count for this ridiculous *Effrontery*, but that  
“ I perceive you aim to make yourself *consider-*  
“ *able* by the *Intention*.

“ To use your own Words——*Pardon me*,  
“ Sir, if I am a little free with you upon this Oc-  
“ casion. What Man of mighty Figure do you  
“ take yourself for, when you suggest that Men  
“ in the *first Rank of Life*, and that all the  
“ Courts

“ Courts of Justice are combining together to  
 “ oppress and ruin you ? Prithee, if the Pride of  
 “ thy Heart will give thee Leave, take a short  
 “ Survey of thyself: EUSTACE BUDGELL,  
 “ Barrister at Law, is really but a very little  
 “ Man, if he did but know himself; and his  
 “ vaunted, self-sufficient *Wit* and *Parts* —  
 “ why they are but little too, notwithstanding  
 “ the Bustle *he makes with them*; and much less  
 “ for the ill Use *he makes of them*. A Man may  
 “ strut and make a great Noise, and at the same  
 “ Time only expose his own *eminent Littleness*.  
 “ When you fix yourself upon the *two Gentle-*  
 “ *men* of Note, whom you mention, and stretch  
 “ your Lungs to a loud Vociferation, you put  
 “ me in mind of that insignificant *Animal* upon  
 “ the *Coach-Wheel*, who would fain have per-  
 “ suaded the People the Cloud of Dust was of  
 “ his own raising. I am half of Opinion too,  
 “ that *those Gentlemen*, in Return for the Com-  
 “ pliment you make them, by thrusting your-  
 “ self into their Company, will be very ready  
 “ to brush you off, as the *Coachman* did the noisy  
 “ *Boaster* aforesaid. Alas! alas! Sir, a *Pigmy*  
 “ has but a small Chance for Notice among tall  
 “ *Fellows*, unless he mounts upon their Shoul-  
 “ ders, and then indeed he may raise a *Laugh*.  
 “ If you think it convenient once more (if I  
 “ may use your own Allusion) to *mount the Stage*,  
 “ and make another *Bear-Garden Flourish*, in  
 “ order to wound my Character, I may think  
 “ myself in Honour obliged to try the Force of  
 “ your Weapons. But don’t serve me as you  
 “ did the last Time — fight one Battle, and  
 “ begin another before I am able to mount; and

“ To sing your Triumph for scarifying me at a  
 “ Distance. The Length of this Epistle obliges  
 “ me to defer my Answers to several other Asper-  
 “ sions and Slanders, scattered in your two last,  
 “ to another Opportunity. In the mean Time,  
 “ Sir, since you slight my *Prayers* for your  
 “ *Prosperity*, I will, spite of you, turn them for  
 “ your *Conversion*, however cruelly you think  
 “ fit to treat

North Cadbury,

Aug. 21. 1731.

Your humble Servant,

WM. PIERCE.

To the Author of the Daily Courant.

SIR,

“ YOUR transmitting the Inclosed to the  
 “ well-known Barrister, will be consider'd  
 “ as a Favour to

Your most humble Servant,

W. P.

FEUSTACE BUDGELL Esq.

SIR,

“ I REMEMBER in my first Letter, I did pro-  
 “ mise the World, and you, upon a certain  
 “ Condition, to set you to View in your proper  
 “ Colours. You have called full loud upon me  
 “ to

“ to do it ; and therefore, to acquit myself of  
“ my Engagement, I beg Leave to take notice  
“ of some Passages in your two last Letters,  
“ omitted in my late Reply to them, in order to  
“ make some farther Advances towards finishing  
“ your Portrait.

“ You give the World to understand, that  
“ *I have got into Possession of two of your Estates*  
“ *by certain Tricks.* Perhaps it would not be  
“ amiss, if these Tricks, as you call them, were  
“ explained a little : One of these Estates I  
“ gained by a Method very unlucky to you, I  
“ confess ; I had not only a natural, but a legal  
“ Right to it : And as it came to me by In-  
“ heritance, I have secured it by Law. This  
“ now is an abominable Trick to you, who  
“ seem to think (if we may judge your Thoughts  
“ by your Practice) the Law was intended to  
“ overturn Right, not to preserve it.

“ THE other Estate was tied down (as ap-  
“ pears by Articles signed and sealed by your  
“ self) for the Payment of an Annuity to a  
“ Life in Being ; besides, for old Arrears due by  
“ your former Contract. Perhaps, you thought  
“ that as the Payment of this Money was not  
“ an Obligation binding upon your Conscience,  
“ neither was the Law bound to oblige you to  
“ the Performance of Articles. Behold again  
“ the *Tricks* of this same perverse Law ! Con-  
“ trary to your Expectation, and most strenuous  
“ Endeavours, it has taken the Side of Justice,  
“ and sentenced your Estate to pay a contracted  
“ Debt. These are the Tricks you complain  
“ of. And indeed it is hard, that after a la-  
“ boured Pursuit of several Years, the Law  
“ should



“ should so ungratefully requite and spurn an  
“ *bumble Follower*.

“ IT is somewhat remarkable, that in your  
“ long Study of the Law, you are arrived no  
“ higher than what some *Under-strappers* are  
“ expert in at their first setting out, which is,  
“ the Art of bespattering and defaming your  
“ Adversary.

“ YOUR indifferent Success in not a few Causes  
“ in our Courts of Judicature, is a pretty evi-  
“ dent Mark, either of your bad Skill in Law,  
“ or of your bad Conscience, or perhaps, of  
“ both. But for your Defamatory Art, I need  
“ no other Proofs than your two last Letters to  
“ me; wherein, for one Paragraph to the Pur-  
“ pose of our Dispute, there are ten levelled at  
“ my private Character; which, whether the  
“ Matter contained in them be true or false; are  
“ quite foreign to our Question. I could wish,  
“ with all my Heart, you could change this Law-  
“ Profession for any other, since a continued  
“ Practice is like to be the Ruin both of your  
“ Credit and Fortune.

“ SOME Passages in your Letter in the *Grub-*  
“ *Street*, *August* the 5th, set me o’laughing; but  
“ soon recollecting they might be the unhappy  
“ Effects of a distemper’d Brain, I grew a little  
“ more serious, and Pity got the upper Hand  
“ of Ridicule. You tell me of *furious Attacks*  
“ *made on you by Osborne, the Hyp-Doctor,*  
“ *Walsingham, and his Excellency Mr. Ulrick*  
“ *D’Ypres*. What a Regiment of formidable  
“ Heroes is here? enough to frighten a *Country*  
“ *Parson*! Had you not explained the Nature  
“ of their Attacks, I should have feared the

I

“ next

“ next Post might have brought me News of  
“ your Throat being out. But *One of them,*  
“ you say, *had the Assurance to represent you to*  
“ *the Publick, under the worst of Characters,*  
“ *namely, that of a litigious Man, who loved*  
“ *and fomented Law-Suits.* Did he say this?  
“ And had he the Assurance to speak so much  
“ Truth? This is a Boldness and Presumption  
“ which you, of all Men, may well stand aghast  
“ at! But no Matter: Let loose some of your  
“ Law against him for it. This you have done,  
“ it seems. But (O Cruel Disappointment!)  
“ he brings not only Truth with him, but Wit-  
“ nesses to back her Assertions. To which I  
“ can add your own verbal and written Boast-  
“ ings. Yet—O happy *Budgell!* whose Law-  
“ temper’d Front can brave and deny them all.  
“ But in order to *shew the Injustice of the*  
“ *Aspersions, and in what Manner you had Law-*  
“ *Suits forced upon you, and how you was hunt-*  
“ *ed through all the Courts, you thought proper to*  
“ *publish the Case between you and me.* I cannot  
“ help thinking this was a false Step; unworthy  
“ the Subtlety of your Genius: For while you  
“ endeavour to divert People from believing a  
“ Truth which consisted in Generals, you un-  
“ happily refer them to Particulars which con-  
“ firm it. This was not quite so politick as  
“ one might expect from a Man of your boasted  
“ Sagacity. Indeed, it is some kind of Apo-  
“ logy you make for your Mistake, when you re-  
“ present me as an *ancient Clergyman, who possibly*  
“ *might not know of all the Injustice and Oppres-*  
“ *sion that had been committed under my Name.*  
“ Truly, Sir, I have not yet heard of any. But  
“ I am

“ I am apt to believe, upon full Conviction of  
 “ my Reason, *that Sentence*, fairly interpreted,  
 “ would run thus: ---*Mr. Piers being an ancient*  
 “ *Clergyman, and living at a great Distance, I*  
 “ *may safely publish what I please under the Title*  
 “ *of a Case between him and me.* I am truly sen-  
 “ sible, Sir, nothing but a strong Presumption  
 “ of my being indolent, unactive, or superan-  
 “ nuated, could have drawn you in to publish  
 “ so many Falshoods to your own Confusion.

“ But give me Leave to note by the Way---  
 “ if you was *bunted through the Courts*, it was by  
 “ Justice only, who, *as you fled from Court to*  
 “ *Court*, closely pursued at your Heels, and at  
 “ last gave you a fatal Trip. Have a Care for  
 “ the future of leading such a *Wild-goose Chase* ;  
 “ for though you make nothing of leaping over  
 “ all the *Fences of Right and Truth*, that same  
 “ *Huntress* will surely overtake and foil you.

“ You tell me, Sir, *You are fully convinced, I*  
 “ *am only made use of by some People, to divert*  
 “ *you from executing a Design they suspect you are*  
 “ *upon, and which, you have reason to believe,*  
 “ *gives them some Uneasiness.* What Designs  
 “ you are upon, I neither know, nor care; but  
 “ if I may be Judge of them by your Designs  
 “ upon me, they should be to rob those Per-  
 “ sons either of Estate or Reputation: But he  
 “ who has Law to defend the One, and a good  
 “ Conscience to defend the Other, has no great  
 “ Cause for Uneasiness. That there are such  
 “ Rapparees and Bravo's in the World, every  
 “ Man must be aware; and it is the Business of  
 “ Prudence and Philosophy to guard us against  
 “ them. But you quite mistake *the Use that is*  
 “ *made*

“ *made of me.* You are the only Person who  
“ has *made use of me*; and (as it happens un-  
“ luckily for your future Attempts) to alarm  
“ those Persons and the World to beware of the  
“ vile Scope of your Projects. What they are  
“ to expect from you, they may reasonably con-  
“ clude from your Attempts upon me; which  
“ are your utmost Endeavours to blast my Fame,  
“ and seize my Estate.

“ *We live, you say, in a very observing, though*  
“ *a very wicked Age.* True, Sir; and the Me-  
“ moirs of your Life, faithfully written, would  
“ evince the latter. But I believe scarce a wick-  
“ er Observer of them all would chuse to copy  
“ your Imprudence. I know not how your Ge-  
“ nius came to betray you; but few *Adepts of the*  
“ *Industry* would venture to publish Heaps of  
“ apparent Scandal and Falshood, as so many  
“ Proofs of their Veracity and Benevolence to  
“ Mankind. Whether your Bar-Oratory, or  
“ your Chamber-Counsel, recommends this Me-  
“ thod, I doubt you will gain but small Practice  
“ by it.

“ *YOU assure me the Age does not much mind*  
“ *Mens Words, when they see them contradicted*  
“ *by their Actions.* Whatever Disagreement  
“ there may be between my Words and Actions,  
“ I must own there is a perfect Harmony in  
“ Yours. As your Actions are of the basest  
“ Kind, your Words correspond exactly with  
“ them: And as your Actions have plunged you  
“ into your present deplorable Circumstances, I  
“ fear (unless you alter your Stile) your Words  
“ will help to keep you there.

“ You



“ You tell me, *You shall be infinitely obliged*  
“ *to me, if I will condescend to do you strict*  
“ *Justice.* Alas ! Sir, you know not what you  
“ ask for ; *strict Justice* would ruin you. Con-  
“ sider what strict Justice would be to a Man  
“ who has been guilty of such complicated  
“ Crimes. It is Matter of Grief to me, that I  
“ cannot vindicate myself, without representing  
“ you to the World as you are ; and in doing  
“ this, I have forbore every Reflection, not im-  
“ mediately necessary towards clearing our Dis-  
“ pute. My whole Aim has been to turn the  
“ Darts of your own Malice against you, with-  
“ out once attempting to annoy you from my  
“ own Quiver : How, indeed, should I do it,  
“ when, upon the strictest Examination of my  
“ Heart, I find not one envenomed Arrow there?  
“ If, after this, you appear odious to Mankind,  
“ thank yourself : If your turbulent, malicious  
“ Nature hurries you into Mischiefs, look at  
“ Home for the Cause.

“ YET think not, Sir, because I have hither-  
“ to *tenderly* acted a defensive Part only, that I  
“ want Matter of the blackest Dye to charge you  
“ with ; and undeniable Proofs to make it good,  
“ partly by Letter from yourself. But you take  
“ such Pains to display your true Character in its  
“ native Deformity, that you save me the Trou-  
“ ble and Regret of adding to it. I shall there-  
“ fore stick close to my own Vindication ; and,  
“ as that requires, either exhibit, or drop all  
“ new Accusations.

“ *YOU threaten and charge me not to oblige you*  
“ *to proceed.* Why ? What have I to fear ?  
“ Swell, if thou wilt, and discharge all the Poi-  
“ son

" son in thy Heart, I dread it not ; I have an  
 " Antidote within ; a Conscience that will speak  
 " Peace and Rest to my Soul, when thine may  
 " call in vain for it. You say, *You are not so*  
 " *much a Stranger to some Passages in my Life,*  
 " *and to some Management in the Law-Suits, as*  
 " *I imagine.* Speak on ! I challenge thee to  
 " speak ! What Management is it thy Vileness  
 " would insinuate ? What Injustice have I ever  
 " done thee ? Declare and prove it : And if I  
 " make thee not ample Reparation, Shame and  
 " Infamy fall on me. But thy Pride, thy silly  
 " Pride, makes thee think thou art the *Terror*  
 " *of Great Men* ; and makes thee fancy that their  
 " *clandestine Management*, has helped me to my  
 " Estate, in order to undo thee. Wretched In-  
 " sinuation of a desperate — I know not what  
 " to call thee, but by a Word too harsh and un-  
 " grateful to my Sense ?

" BUT what are those *Passages in my Life*  
 " which you threaten to bring to Light ? Whom  
 " have I wronged ? whose Right have I in-  
 " vaded ? Is every Slip, every Error in my  
 " whole Life's Conduct to be brought to Ac-  
 " count in the present Dispute ? Shame on thy  
 " Malice ? Yet, go on ----- I defy thee ! Judge,  
 " all Mankind, if there is *Justice, Honour, or*  
 " *Humanity*, in this kind of Dealing ! These  
 " are the Heathen Virtues which you recom-  
 " mend to me : I wish thou wert Heathen  
 " enough to bring thee into the Road to Christi-  
 " anity. As to *Gratitude*, I owe you none.  
 " And dost thou boast thyself a Son of the  
 " Church, with all this Baseness and Rancour  
 " in thy Soul ? Whether thou art a more wor-  
 " thy

“ thy Son, or I a more worthy Minister, I refer  
 “ to the impartial Judgment of Mankind.

“ But know, Sir, amidst all these vast Provo-  
 “ cations and Menaces, and maugre all the  
 “ seeming Warmth, (with which every just and  
 “ peaceable Man may vindicate his injured Cha-  
 “ racter,) there is a perfect Serenity of Mind in

North Cadbury,  
 Aug. 30. 1731.

*Your humble Servant,*

WM. PIERS.

SOON after the Date of the Reverend Mr. Piers's last Letter, I fell ill of a dangerous Fever, succeeded by a Rheumatism; which made me so weak, that I was unable to turn in my Bed, without the Assistance of two Persons. It was thought that I should not have recovered; and I am told, That several of the publick Papers had actually put me to Death. This severe Sick-ness, and some other Affairs, have hitherto prevented my taking any Notice of Mr. Piers's two last Letters; but I beg Leave at present to return him the following Answer to them.

*To the Reverend Mr. William Piers, Rector of  
 North Cadbury in Somersetshire.*

S I R,

“ A Very severe Fit of Sicknes occasioned  
 “ my not answering your two last Letters.  
 “ Providence, contrary to the Expectation of  
 “ most People, and my own Desires, has thought  
 “ fit to raise me once more from a sick Bed. To  
 “ what

“ what End this is done, or what I am designed  
 “ for, I am not able to determine. Perhaps,  
 “ Sir, among other Things, I am to be the  
 “ mean Instrument of setting your own and your  
 “ Brother’s Actions in their true Light. Since  
 “ my recovering a tolerable Degree of Health,  
 “ my whole Time hath been taken up by a  
 “ troublesome Affair, which your *bonest Brother’s*  
 “ Proceedings forced upon me, and in paying  
 “ a Debt of Gratitude to the Memory of one of  
 “ the best and greatest Men \* this Age has pro-  
 “ duced. I hope, Sir, what I have said, is  
 “ sufficient to excuse my not writing to you  
 “ sooner ; that you will have the Goodness to  
 “ pardon my Omission, and to accept at present  
 “ of the following Answer to every Part of your  
 “ two last Letters, which can possibly seem to  
 “ deserve one.

“ You begin the first of those Letters with  
 “ endeavouring to shew, That I have *unjustly*  
 “ charged you with asserting a most *flagrant*  
 “ *Falshood*.

“ In your first Letter which appeared in Print,  
 “ dated *May 26. 1731.* you only thought pro-  
 “ per to deny in *general*, the several *Facts* men-  
 “ tioned in the *State of my Case* ; but then you  
 “ threatened, That

“ *If my Infatuation should so far delude my*  
 “ *Judgment, as to prompt me to call on you for a*  
 “ *Proof of Particulars, you should then be obliged*  
 “ *to shew me to the World in my proper Colour-*  
 “ *ing.*

“ You

---

\* The late Lord ORRERY.



“ You added, That

“ *You should observe a Conduct contrary to mine,*  
 “ *as believing Justice is better distinguished by the*  
 “ *Simplicity of Truth.*

“ In my Answer to this terrible Letter, I still  
 “ ventured to assert the *Truth* of the *State* of my  
 “ *Case*, upon which you set about the *Work* you  
 “ had promised the Publick, *viz.* to shew me to  
 “ the World in my proper Colouring, and to  
 “ distinguish *Justice* by the *Simplicity of Truth.*

“ THE very first Step you took in this lauda-  
 “ ble Undertaking, after having demurely expres-  
 “ sed a most christian-like Concern, that my Im-  
 “ prudence would not suffer you to conceal from  
 “ the World the Badness of my Nature, I say, the  
 “ very first Step you took after this pious Preface,  
 “ was to affirm a downright *Falshood*, to affirm  
 “ a *Fact* which you knew was false at the Time  
 “ you affirmed it, and which every Man in  
 “ England may see is false, who will but peruse  
 “ the *State* of my *Case* in the *Appendix* to my  
 “ *Letter to the King of Sparta.*

“ YOUR Words were these :

“ In the *State* of this *Case* (to which he refers  
 “ his Readers) Mr. Budgell has been pleased to  
 “ assert, That I am not the youngest Son living  
 “ of Mr. John Piers, deceased, late of Denton  
 “ in Oxfordshire ; though it is a Notorious Fact,  
 “ that I have been so more than thirty Years before  
 “ our Controversy commented. I beg leave to ask,  
 “ in this Place, What kind of Infatuation must  
 “ possess the Man who could hope to reap Ad-  
 “ vantage from such a *Falsity*, in which he was  
 “ sure to be easily detected?

“ IN Answer to the preceding Paragraph, I  
 “ told you, That the *Fact* which you asserted in  
 “ it, and upon which you argued in so solemn  
 “ a Manner, was a most *notorious* and *flagrant*  
 “ *Falshood*. I told you, that I had no where as-  
 “ serted in the *State of my Case*, that you are  
 “ not *the youngest Son* living of your deceased Fa-  
 “ ther, or any Thing like it; but that on the  
 “ contrary, I always did, and still do most rea-  
 “ dily grant, that you are *the youngest Son* living  
 “ of your deceased Father.

“ LET us now see after what Manner you  
 “ defend yourself in your last Letter but one  
 “ against my Charge, viz. That you had assert-  
 “ ed a most *notorious* and *flagrant Falshood*.

“ YOUR Words in your last Letter to me but  
 “ one, in Answer to this Charge, are these :

“ I took Notice that in the State of your Case,  
 “ you asserted, That I was not the youngest Son  
 “ living of Mr. John Piers deceased, &c. though,  
 “ as I told you, I had been so upwards of thirty  
 “ Years before our Controversy commenced : You  
 “ now deny that you ever said any Thing like this.  
 “ Near the Beginning of your Case I found these  
 “ Words ; — William Piers, the second Bro-  
 “ ther, who was neither his Father’s, nor his  
 “ Mother’s youngest Son at the Time of their  
 “ Death, went down to Cambridge, &c. These  
 “ Words I did, and do still understand, in the Sense  
 “ I have put upon them ; in no other could they  
 “ be of any Service to you.

“ Do you really think, Sir, that it is possible  
 “ your Readers can be such a Parcel of Fools  
 “ and Ideots, as to take this Paragraph of yours  
 “ for an Answer to my Charge against you,  
 “ 1  
 “ namely,

“ namely, that you had knowingly affirmed a  
 “ *Falshood.*

“ You affirmed, That I had said in the *State*  
 “ of my *Case*, that you was not the youngest Son  
 “ LIVING of your deceased Father. I told you,  
 “ That you affirmed a most shameful *Falshood*;  
 “ for that I had said no such Thing.

“ Now in order to prove that I have said,  
 “ You was not the youngest Son LIVING of your  
 “ deceased Father, you are pleased (to the Asto-  
 “ nishment I dare say of all your Readers) to  
 “ shew, That I have said, You was neither your  
 “ Father’s, nor your Mother’s youngest Son, at the  
 “ Time of their DEATH.

“ Do I affirm, dear Sir, that you are not the  
 “ youngest Son living of your deceased Father,  
 “ because I say, That you was not his youngest  
 “ Son at the Time of his Death? Might not  
 “ you have had ten younger Brothers when your  
 “ Father died, (which was above thirty Years  
 “ since,) and yet might you not be his youngest  
 “ Son now living? Was not *Laud Piers* your  
 “ Father’s youngest Son at the Time your Father  
 “ died? And was not Mr. *Laud Cade* your  
 “ Mother’s youngest Son by her second Husband  
 “ when she died? And do not these two plain  
 “ Facts fully prove the Truth of what I assert in  
 “ the *State of my Case*? Can you deny either of  
 “ these two plain Facts? Give me leave, Sir,  
 “ to blush for you, since I find you are incapable  
 “ of blushing yourself.

“ INSTEAD of taking Shame to yourself, as I  
 “ have heard even your noble Patron once did,  
 “ you persist to tell me, That you did, and do  
 “ still understand my Words in the Sense you have

“ put upon them. In Answer to this I cannot help  
 “ saying, That it is *absolutely* impossible, either  
 “ you or any Man living, who can but read Eng-  
 “ lish, could understand them in that Sense. You  
 “ add, That my Words could be of no Service to  
 “ me in any other Sense. I am sorry you force  
 “ me to tell you, That this is as *flagrant a Fals-*  
 “ *hood*, as any you have yet asserted. The only  
 “ Title you ever pretended to my Estate, was by  
 “ Virtue of the Custom of *Borough English*. It  
 “ is impossible you can be intitled to it by *this*  
 “ Custom; unless you was your Father’s or your  
 “ Mother’s *youngest Son* at the Time of their  
 “ Death. Can any Thing therefore be so much  
 “ for my Service, or so evidently demonstrate the  
 “ *flagrant Injustice* of your Proceedings, as my  
 “ shewing that you was neither your Father’s  
 “ nor your Mother’s *youngest Son* at the Time  
 “ of their Death?

“ HAVING in vain endeavoured to clear your-  
 “ self of my Charge against you, namely, that  
 “ you had *wilfully and knowingly* asserted a *Fals-*  
 “ *hood*, you endeavour, in the next Place, full  
 “ as vainly to charge me with one. You quote  
 “ the following Words out of the State of my  
 “ Case. And Mr. Budgell being assured by all  
 “ the Counsel he consulted, that his Title was good,  
 “ he laid the same before St. John’s College, who  
 “ being likewise assured by their Counsel, that the  
 “ Estate was Mr. Budgell’s, admitted him to it.  
 “ After these Words you place the following no-  
 “ table Quere; If neither the College, nor their  
 “ Counsel assured you of this Determination, how  
 “ came you to know it? I have already told you,  
 “ That it was not the *Business* of the College to  
 “ declare



“ declare to me either by themselves, or their  
“ Counsel, that my Title was good: Neither  
“ did they make any such Declaration *in Form*.  
“ Notwithstanding which, I have many Reasons  
“ to believe, That their Counsel were of Opin-  
“ ion my Title was clear, and indisputable. I  
“ will give you *one* Reason for my believing  
“ this: Mr. Creamer acts as the College-Steward  
“ in the Manor where this Estate lies. Upon my  
“ shewing this Gentleman my Title, together  
“ with Mr. Horseman's Opinion, in the *strongest*  
“ Terms; that it was a *clear* and a *good* one;  
“ Mr. Creamer was so fully convinced of it,  
“ that he went down with me himself to the  
“ Manor, told the Tenant Pazey, That I had  
“ an *undoubted Right* to the Estate; and *drew up*  
“ the Attornment; which Pazey signed, and  
“ thereby became my Tenant.

“ You proceed, though much against your  
“ Will, to take some Notice of my Queries:  
“ You found you could not possibly overlook  
“ them; yet instead of giving a *distinct* and  
“ *plain* Answer to *each* of them, which I desired  
“ you would do, you have jumbled 'em toge-  
“ ther with some *Art* and *Cunning*, and then tell  
“ me *they contain the most Cruel of Charges: A*  
“ *Charge, which your Soul shrinks at, and detests*  
“ *as much as you do me, the wicked Inventor, or*  
“ *Publisher of it. The Sum of it (say you) is this:*  
“ *That my Brother and I put our selves in Mourn-*  
“ *ing; went to the Tenant, by Name Robert Pa-*  
“ *zey, and assured him our Mother was dead,*  
“ *(though living at the same Time,) in order to seize*  
“ *her Jointure; that we did so; and turned her*  
“ *out a starving; which must really have been her*  
“ *Case,*

“ Case, had not her Son Mr. Cade relieved, and  
“ reinstated her in the Possession of her Estate :  
“ This, as I take it, is the Substance of your Charge.  
“ Well, Sir, be it so : This Charge is one of the  
“ blackest Charges I ever heard in all my Life.  
“ Let us see the Answer you give to it ; and  
“ whether, or no, as *cruel* as you are pleased to  
“ say this Charge is, you do really *deny* it.  
“ Your Answer to it is so extremely *remark-*  
“ *able*, that I must intreat all my Readers to  
“ take particular Notice of it. *As to my Share*  
“ *in the Scandal*, (say you,) *I do solemnly aver,*  
“ *upon my SACERDOTAL WORD, it is as basely*  
“ *False, as it is barbarously Malicious.* This is all  
“ the Answer you have thought fit to make to my  
“ Charge. But does this Answer *deny* the Charge?  
“ In short, Is this Answer like the Candour  
“ and Plainness of a Minister of the Church of  
“ England, or the little scandalous Shuffle of a  
“ Jesuit ? Let us see what it is, that you are  
“ pleased *solemnly to aver upon your Sacerdotal*  
“ *Word?* Why truly, nothing more than this,  
“ *that your Share in the Scandal, is as basely False,*  
“ *as barbarously Malicious.* To give you your  
“ Due, Sir, you have not pawned your SACER-  
“ DOTAL WORD for very much. I do agree  
“ with you, that the Story is just as *basely False,*  
“ as it is *barbarously Malicious* : But then, Sir,  
“ you must allow me to add, that it is so far  
“ from being either *False* or *Malicious*, that it is  
“ strictly *True* ; and that, I think, I have as  
“ much Reason to assert it, as I have to affirm  
“ there is such a City in the World as *Constan-*  
“ *tinople.* Your Brother, your own Mother’s  
“ Son by her second Husband, the Reverend  
“ Mr.

“ Mr. *Cade*, a Clergyman of an unblemished  
“ Character, told me the Story, and expressed  
“ his Grief to me in the most pathetick Terms,  
“ that he had such a Relation as your self:  
“ The Tenant, *Robert Paxey*, told me the very  
“ same Story in every Particular, and com-  
“ plained how grievously you had imposed upon  
“ him. I found the whole Country was ac-  
“ quainted with the Story; and looked upon it as  
“ one of the most notorious and barbarous  
“ *Cheats* that was ever committed. Your eldest  
“ Brother himself, and his Wife, both confessed  
“ to me that the Story was *True*: Your Brother  
“ pretended at least to be sorry for what he had  
“ done, and assured me, that the whole *Plot*  
“ and *Contrivance* was *yours*. Lastly, to con-  
“ vince me fully of the Truth of this Story, I  
“ have been shewn the very *Lease* which you  
“ and your Brother signed to the Tenant *Paxey*,  
“ while your *Mother* was *Living*. I think I  
“ know both of your Hands as well as I do my  
“ own, and am fully convinced that you both  
“ executed that pretended Lease. You do not  
“ deny that your Brother *Cade* has *dressed up*  
“ *this horrid Story*; but then you add, that you  
“ are well aware he may have his *Reasons* for it:  
“ *What those Reasons are* (you say) *I scorn to publish,*  
“ *till I am provoked by him.* It would I believe  
“ be the most *curious Piece* this Age has seen, if  
“ you would but please to acquaint the World  
“ what could possibly make your own Brother  
“ *dress up this horrid Story* about you, if the  
“ Story, *horrid* as it is, was not *True*. I am afraid  
“ it is demonstrable, even from your own Con-  
“ fession, that either you or your Brother *Cade*  
“ must

“ must be a compleat——. In order to prove  
 “ your self *Innocent*, you will consider, whether  
 “ it is not necessary to shew us that he is *Guilty*.  
 “ I do assure you, most Reverend Sir, that, to  
 “ my certain Knowledge, your Brother *Cade* de-  
 “ fies you to do your worst; and is fully satisf-  
 “ fied, that his Character cannot suffer for any  
 “ Thing you can say of him. Your Brother had  
 “ once drawn up an Account in Writing of some  
 “ other of your *Exploits*, which made as uncom-  
 “ mon an History as ever I perused. To be plain  
 “ with you, Sir, there were some *Facts* which I  
 “ thought at least equal to any in the Life of *Gus-*  
 “ *man*, and which in mere *Pity* to you I endea-  
 “ voured to persuade him not to *expose*: You have  
 “ gratefully requited me. If your *Modesty* tempts  
 “ you to appear once more in print, let me see  
 “ no more *Shuffling*, or a Parcel of idle *Exclama-*  
 “ *tions*, which are nothing to the *Purpose*. Give  
 “ a direct and distinct Answer to each of my  
 “ Queries, and particularly to this: *Did you*  
 “ *and your Brother sign a Lease to Robert Pazey*  
 “ *for that Estate at Thorington, which was your*  
 “ *Mother's Jointure, while your Mother was*  
 “ *Living? or did you not?*

“ YOUR Answer to my first Quere is extreme-  
 “ ly remarkable. I desire to know, If you only  
 “ rely on the *Justice* of your Cause, and not on  
 “ some Things which you know I dare not name,  
 “ why you will not submit the Dispute between  
 “ us to be determined by any eminent and indif-  
 “ ferent Counsel learned in the Law?

“ You answer, *Because I am in legal Possession*  
 “ *of my Right* (meaning the Estate at *Thorring-*  
 “ *ton*;) *which I believe no Man would ever give up,*

“ to



“ to have his Title canvassed afresh, at the Caprice  
“ of an insolent Pretender.

“ I UNDERSTAND you, Sir, perfectly well :  
“ You know as well as I do, that your Title is  
“ not good, and are therefore resolved not to sub-  
“ mit it to any Counsel. You say you are in  
“ the *legal Possession* of the Estate in Dispute be-  
“ tween us : Do not take it amiss, Sir, if I ac-  
“ quaint the Publick by what Means you got  
“ into this *legal Possession*. You brought an  
“ Ejectment against my poor Tenant. To this  
“ Ejectment I was obliged to make my self a  
“ Party : I could not but think my self sure of  
“ my Cause, since not only my own Counsel, viz.  
“ Mr. Serjeant *Darnell*, and Mr. Serjeant *Baynes*,  
“ but even the Counsel you had consulted, de-  
“ clared my Title was good : You brought on,  
“ however, your Cause at *Chelmsford* ; but in-  
“ stead of entering at all into the *Merits* of your  
“ pretended Title, which would have ended all  
“ Controversies between us, (but which you very  
“ well knew was not good,) you only produced  
“ a Lease for three Years, which you had per-  
“ suaded my poor ignorant Tenant to take from  
“ you, which I never heard, or dreamt of,  
“ till you produced it in Court. This Lease  
“ being what the Lawyers call an *Estoppel*  
“ against the Tenant in Possession, by this most  
“ shameful Trick, if any Thing can be called a  
“ Trick in the Law, you got a Verdict against  
“ me, and what you are pleased to call *legal*  
“ Possession. By a Trick of the very same kind,  
“ you got *legal Possession* once before of this very  
“ Estate while your Mother was living. To  
“ be relieved against this shameful Trick of yours,

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“ I was advised to bring a Writ of Error in the  
 “ House of Lords, to gain Time, That I might  
 “ apply to Chancery for *Relief*. Upon this  
 “ Writ of Error, it is certain your Success against  
 “ me was so very extraordinary and remarkable,  
 “ that I believe there is hardly a Lawyer in *Eng-*  
 “ *land*, who has not heard of it.

“ SINCE I wrote to you last, your honest Bro-  
 “ ther, whose Cause you defend, is likewise got  
 “ into what I presume he calls a *legal Possession*  
 “ of all my Goods, and several Papers (to the  
 “ Value of perhaps Two Thousand Pounds) which  
 “ were in my House at *Denton*. He got into the  
 “ *legal Possession* of these, by breaking open my  
 “ House in the Night, and taking them away.  
 “ It is true, he did not perform this Exploit  
 “ till he heard I was upon my Death-bed, and  
 “ I believe thought me actually dead. Thus,  
 “ Sir, you have got a *legal Possession* of my *Estate*,  
 “ and your honest Brother of my *Goods* and *Pa-*  
 “ *pers*. I am too well convinced, Sir, by woful  
 “ Experience, That it is in vain for me at *this*  
 “ *Time* to dispute any Point with either of you  
 “ at Law ; yet, give me Leave, Sir, to ask you  
 “ one serious Question : If there is a Supreme  
 “ Being, who is strictly just, and takes any No-  
 “ tice of human Affairs, can you possibly be-  
 “ lieve that such horrid Acts of Oppression, Cru-  
 “ elty, and Injustice, will pass unpunished?

“ IN my Letter to you of last *August*, the 7th,  
 “ since I found you and your Lady had quite  
 “ forgot some Things, and that you took the Li-  
 “ berty of treating me with such hard Epithets,  
 “ as *base*, *vile*, and *insolent*, &c. I presumed gently  
 “ to put you in mind, That such sort of Lan-  
 “ guage

“ guage was not quite so decent, considering  
“ your Wife had been my Aunt’s *Servant* many  
“ Years, lived in my *Father’s Family*, and that  
“ I myself had been particularly kind to her;  
“ and considering that the *Money* she got in her  
“ *Service*, with a *generous Legacy* her Mistress left  
“ her, had served to pay off your most trouble-  
“ some *Debts*.

“ To this you answer,

“ I should take no Notice of your contemptuous  
“ Treatment of my Wife, was it not to shew you  
“ (I wish it may be to the Conviction of your Con-  
“ science) that Truth and you are irreconcilable  
“ Foes. ’Tis strange you cannot relate a trifling  
“ Circumstance, without falsifying it. Remember,  
“ Sir, my Wife was a First-Cousin to your Aunt;  
“ under whom she received her Education, and  
“ with whom she lived as a Companion, not a Ser-  
“ vant, as you maliciously and foolishly declare.  
“ That her Wages paid my Debts, is an Assertion  
“ of yours of the same Complexion with the rest,  
“ false and silly.

“ YOUR Assertion that your Wife was my  
“ Aunt’s First-Cousin, is, I confess, a very sur-  
“ prizing Piece of News to me. One Thing I  
“ am sure of, viz. That my Aunt never called  
“ her any Thing but plain Betty. If you will  
“ not let me say, That she was my Aunt’s  
“ *Servant*, you must at least, Sir, allow me to  
“ affirm, That my Aunt had no other *Servant*;  
“ and that I have seen your Lady, with my own  
“ Eyes, an hundred and an hundred Times,  
“ washing my Aunt’s Linnen, and either emp-  
“ tying or scowering a certain Utensil which  
“ the finest Ladies have sometimes Occasion for.

“ I do not deny, Sir, that she is become a *Gentlewoman*, since you have done her the Honour  
“ to make her your *Wife*; nor do I at all doubt,  
“ but that if your extraordinary Merit and *Services* should procure you a *Bishoprick*, she  
“ would do the Honours of your Table in a  
“ proper Manner. I never heard but that she  
“ served my Aunt faithfully and honestly; nor  
“ is there any Manner of Harm in her having  
“ been a Chambermaid; yet if Ladies, when  
“ they grow *Great*, will intirely forget what  
“ they once were, it cannot be amiss to put them  
“ gently in mind of it. You assert, That she  
“ lived with my Aunt, not as a *Servant*; but as  
“ a *Companion*: Pray, Sir, will you be so kind as  
“ to ask her one Question; When she was in our  
“ Family, did she sit with my Aunt at my Father’s *Table*, or not? I dare say she will not  
“ assert she did; because there are at least an  
“ hundred People now living, who could contradict her. Indeed, Sir, my Father at that  
“ Time would as soon have admitted his *Cook*,  
“ or his *Coachman*, to have sat with him at his  
“ Table as your *Lady*. How much should I  
“ scorn to mention these Particulars, did not  
“ you oblige me to it, by charging me with a  
“ *Falshood*! Why will you and your *Lady* force  
“ me to tell you such *Truths* as I find are not  
“ very pleasing to you? That she has as great  
“ *Obligations* to my Family, as a Woman can  
“ well have, is certain; that the Money she got  
“ in my Aunt’s *Service*, with what her Mistress  
“ left her when she died, helped to pay your  
“ Debts, is as *notoriously* known, as it is that  
“ you were over Head and Ears in *Debt* when  
“ you



“ you left the University of *Cambridge*. What  
“ Money you may now be worth, what Sums  
“ you may have had for *Secret Service*, I shall  
“ not pretend to determine.

“ As to your frequent Hints and Insinuations  
“ in your Letters, that I am a *Madman*; This,  
“ Sir, is a Point which I never yet disputed, nor  
“ I believe ever shall dispute. The King of  
“ *Sparta*, his Brother *Ulrick*, Mr. *Osborne*, the  
“ *Hyp-Doctor*, and Mr. *Walsingham*, have all of  
“ them strongly affirmed this Fact. Hard is their  
“ Fate, if they have not been able to convince  
“ the World of what I never yet denied.  
“ Methinks it is a sort of Reflection upon all  
“ these able Writers, for you, Sir, to imagine,  
“ That even your *sacerdotal Word* could make  
“ a Thing more plain, which they have long  
“ since so clearly *demonstrated*. Believe me,  
“ Sir, your harping so very often upon this  
“ *String*, can only serve to convince the World  
“ in whose *Service* you are *listed*, and to what  
“ *Clan* of Writers you belong.

“ You conclude your last Letter, with assuring  
“ me, That *amidst all my Provocations and Me-*  
“ *naces*, you enjoy a *perfect Serenity of Mind*.  
“ It is certain there is no greater Happiness, than  
“ for a Man, engaged in Controversy, to enjoy  
“ that *Serenity of Mind* which you assure me  
“ you are so perfect a Master of. Upon my  
“ searching your two last Letters to me, for some  
“ Marks of this *serene Temper*, I find the fol-  
“ lowing Expressions. *I am necessitated to detect*  
“ *the Vileness of your Nature*. *Prithee, if the Pride*  
“ *of thy Heart will give thee Leave, take a short*  
“ *Survey of thy self*. Eustace Budgell, Barrister

“ at  
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“ at Law, is really but a very little Man, if he did  
 “ but know himself; and his vaunted self-sufficient  
 “ Wit and Parts, why they are but little too. O happy  
 “ Budgell! whose law-tempered Front, &c. What  
 “ Management is it thy Vileness would insinuate?  
 “ Swell if thou wilt, and discharge all the Poison  
 “ in thy Heart: I have an Antidote within, a Con-  
 “ science that will speak Peace and Rest to my Soul,  
 “ when thine may call in vain for it. Some Pas-  
 “ sages in this Letter set me o’ laughing; but soon  
 “ recollecting they might be the unhappy Effects of a  
 “ distempered Brain, I grew a little more serious,  
 “ and Pity got the upper Hand of Ridicule. Thy  
 “ Pride, thy silly Pride, makes thee think thou art  
 “ the Terror of great Men, and makes thee fan-  
 “ cy that their clandestine Management has helped  
 “ me to my Estate, in order to undo thee;  
 “ wretched Insinuation of a desperate — I  
 “ know not what to call thee; but by a Word too  
 “ harsh and ungrateful to my Sense. Is every  
 “ Slip, every Error in my Life, to be brought to  
 “ Account in the present Dispute? Shame on thy  
 “ Malice! I defy thee! Judge all Mankind, if  
 “ there is Justice, Honour, or Humanity in this  
 “ kind of Dealing! These are the Heathen Virtues  
 “ which you recommend to me: I wish thou wert  
 “ Heathen enough to bring thee into the Road to  
 “ Christianity. As to Gratitude, I owe thee none.  
 “ Dost thou boast thyself a Son of the Church, with  
 “ all this Baseness and Rancour in thy Soul? Whe-  
 “ ther thou art a more worthy Son, or I a more  
 “ worthy Minister, I refer to the impartial Judg-  
 “ ment of Mankind, &c. &c. &c.  
 “ FAR be it from me, Sir, to refuse even an  
 “ Enemy that Commendation which is justly due  
 “ to

“ to him. When I look upon the foregoing Sentences, all faithfully extracted out of your two last Letters, I must ingenuously own, I am at a Loss whether I ought chiefly to admire your *Meekness* and *Charity* as a Clergyman, your *Piety* as a Christian, your *good Breeding* as a Gentleman, or your *Serenity* as a Philosopher.

“ You cannot, Sir, expect, that an unhappy *Lunatick* should be able to imitate this *Serenity of Mind*, which you so justly boast of, and are so eminently blest'd with ; I therefore trust in your known Goodness, that whenever I have exceeded the Rules of Decency and good Manners, you will charitably impute it, either to the Starts of a guilty Conscience touched to the Quick, or to the Ravings of a Madman when his Fit is upon him. I am,

S I R,

Your Most Obedient,

And most Humble Servant,

June 29.

1732.

E. BUDGELL.

N. B. The Reader may see, in the Appendix, The *State of the Case* between the Reverend Mr. *William Piers* and me, which is so often mentioned and referred to by both of us, in the preceding Letters.

I HAVE done with the Reverend Mr. *William Piers*: I proceed to say something of his *Honest Brother John Piers*. This Man had an Estate of about One hundred Pounds *per Annum*, Part of which

which was only Leasehold. There was a Mortgage upon it for about 700 *l.* and a *Judgment* by his own Confession for 1000 *l.* besides which he owed Money to a great many People. His Necessities were so great, that I have many a Time lent him small Sums to buy *Bread* for his Family. I was induced to be kind to him, by his having married a Woman who was related to me; and may Providence never bless either me or mine, if I did not most sincerely love this Man: I had resolved to make his Life easy and comfortable. He was every Day in Apprehension of being flung into a Gaol, and had often begged me, even with Tears, to settle his unhappy Affairs, and buy the Reversion of his Estate, which he had long endeavoured to sell in vain. This was in 1719. just before the *South-Sea*, and when I had a large Sum of ready Money by me. I at last complied with his Request, and took his Estate with so little Satisfaction about the *Title*, that I am well assured no Man but myself would have laid out his Money on the same Terms. I took his bare *Word* for all Particulars relating to the Estate; but have since found that almost every Thing he then told me was *false*. For the Reversion of this Estate, and of his Mother's Copyhold at *Thorington*, I paid him *eight hundred Pounds* in Money, forgave him all the *Sums* he owed me, and agreed to discharge the Judgment for *one thousand Pounds*. By Writings properly executed, I was to have the immediate Possession of one Half of the House and Gardens, and *Piers* was strictly obliged not to cut down any Timber or Wood. Some Time after I had paid my Purchase-Money,



ney, he cut down great Quantities of Wood, a whole Grove of fine young Trees, and a long shady Walk in the Garden, which he very well knew I was most particularly fond of. I found it necessary to stop such shameful Devastations; but as I ever abhorred a Law-Suit, I offered to refer all Differences between us to any one Man of Honour and Reputation in the whole County. Two Gentlemen, who made a conspicuous Figure in it, who were Mr. Piers's particular Friends, and had known him many Years before they knew me, offered at different Times to settle all Things between us. I immediately embraced their kind Proposal, and offered to submit all my Interest intirely to either of them. To their infinite *Surprise*, they found that *Piers* would hearken to no Terms, nor agree to any Arbitration. I dare appeal for the Truth of this Fact to two Persons in *Oxfordshire*; one of whom is an Ornament to the highest Order of the Church; the other is no less eminent for his Humanity, than for his Station and Skill in the Law. They have both constantly done, and I am very sure will always do me full *Justice* upon this Head.

*John Piers* has not quite so much *Cunning* as his younger Brother the Parson. His *Tongue* sometimes gets the better of his *Discretion*, and he has often told me in a Bravado, that *Though* he had no Money himself, yet that there were People somewhere, who would support him in any Cause, and with any Sum against me; that they had resolved to give me a Belly full of Law, to get me into a Gaol, and make me rot there.

SOME of his Proceedings against me, in Confidence of his being thus *supported*, have been so uncommon and extraordinary, that I beg Leave to give you an Account of them. I am very well assured you will not think it tedious.

IN order to put a Stop to his Devastations upon my Estate, I went down myself to live in the House, of which I was intitled to one Moiety from the Time of my Purchase. Upon my coming down, *Piers* thought fit to remove to a Farmer's House about half a Mile distant. He took away all his Beds, and what Goods with him he thought proper; but having sent for Beds, and other Things, from my House in London, I did well enough with my little Family. I had lived there for some Time, when one Morning two Bailiffs came into my Bed-Chamber, arrested me in an Action in *Piers's* Name, and told me, *If I did not give immediate Bail, they would carry me to Oxford Gaol.* I have forgot at present the Sum for which I was arrested. The Bailiffs were immediately followed by *Piers* himself, who came into my House at the Head of a Mob, which he had got about him. I desired to know of him, before forty Witnesses, *Why he arrested me?* and offered immediately to pay him 500 *l.* if he could prove I owed him five Shillings. He absolutely refused to declare *why I was arrested*; but told me with a Laugh, *I should know that at a proper Time.* Though I was almost a Stranger in the Country, I made a Shift to find *undeniable Bail* for this Action; and the Bailiffs having no farther Pretence to stay with me, left my House. *Piers* and his Mob still stayed, insulting me with  
the

the most abusive Language. I at last lost all Patience, and was going to have caned one of them. A Gentleman of a good Estate in the Country, who had been one of my Bail, prevented me, and taking me aside, told me, *He thought he saw a great deal more in this Affair than I did; that he believed I was purposely provoked to make me strike; and that if I did so, I should be immediately murdered.* What he said appeared of so much Weight to me upon some little Reflection, that I resolved patiently to endure all Insults, and only took care to keep three of my Servants about me. When *Piers* found I was not to be *provoked*, he locked up me and my Servants, viz. a Footman, a Gardener, and a Servant Maid, in the Room where we were. The Mob, who were with him, immediately set up a loud *Huzzza*, and dispersing themselves over all my House, took away whatever they pleased. One of my Men lost a Silver Watch, which had cost him *five Pounds*, a large Sum in a poor Servant's Pocket. As I was under Confinement, I could not say who took away any of my Goods. When my Servants and I had been kept Prisoners about two Hours, and the Mob had done what they pleased, *Piers* thought fit to unlock the Door, and release us. I think I may safely aver, the *Action* he arrested me upon was a *Sham* one, since he never brought it to a Trial; nor do I know to this Hour why I was thus arrested. Upon consulting Counsel, I was advised to bring an Action against *Piers* for *false Imprisonment*; and my poor Servants, who had been shut up with me, and sufficiently abused or frightened, were likewise advised to bring their

their several Actions. The Trials came on at the *Oxford* Assizes. I proved the Particulars above mentioned by several Witnesses, and could have called a great many more. It was absolutely impossible to prevent my having a Verdict. I had one : But what *Damages* do you think, Sir, I had given me for being thus arrested on a sham Action, robbed, abused, insulted, and imprisoned in my own House ? As poor a Man as I am, I will venture to lay you a Guinea you do not guess within *five hundred Pounds* ; I never yet met with any Man that did. The *Damages* given me were ONE FARTHING.

ALLOW me to say, Sir, that I as little thought *one Day* that my *Liberty* would have been valued at *this Rate*, as you, or any Gentleman in the House of Commons, can now think that your own *Liberties* are worth no more. I am determined to fix this *Farthing* in the Midst of a gilt Frame, and to put this *Inscription* round it :

Anno Dom.— *The Value of the Liberty of an Englishman.*

I might, perhaps, add, of an *English Gentleman*, who had been in several considerable Posts, and done important Services for the House of Hanover. Should my Fate ever carry me again into foreign Nations, I fancy no Body who saw this *Farthing*, could doubt how firmly *Liberty* was established and protected by *Law*, in the happy Island of *Great Britain*.

I know it is my Duty to think, that the Proceedings in Courts of Justice are strictly *just* ; yet I must own one Thing at first a little stuck with me : Though the *Damages* given me were  
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but *One Farthing*, two of my *Servants* had *one Shilling* given to each of them. I will not think that this *Distinction* between us was made on Purpose to *insult* and *mortify* me. *Damages* in these Cases have been always proportioned to the *Quality* of the Person injured: Since I must not therefore imagine that *Partiality*, or an improper *Influence* is got into our *Courts of Justice*, I am resolved stedfastly to believe, That my own *Footman* was *eight and forty* times a better Man than his *Master*.

THOUGH I made no Complaints myself, my Tryal above mentioned made a good deal of *Noise*. As soon as I came to Town, an eminent Gentleman at the Bar sent to desire to speak with me: He told me, *My Tryal at Oxford had been the Subject of a Publick Conversation among a great many Gentlemen of the Long Robe*; That a Person eminent at the Bar, who affirmed he was present at it, had given them an *Account* of it; but that there were some Particulars so very uncommon, that he hardly knew how to believe them; and that this was the Reason of his sending for me.

I TOLD him I never loved fruitless Complaints; and added (what was strictly true, viz.) That I had not told the Story myself to any Body. I desired, however, to know what he had heard. Upon his acquainting me, I assured him that the several *Facts* he had mentioned were *True*. If it be so, *Mr. Budgell*, (says he,) it was a most infamous *Verdict*; there was never such a one since *Magna Charta*: You should not look upon this as your own private Case; 'tis the Concern of every Gentleman in England: One of his Majesty's *Serjeants* is of the same Opinion with me; and if you agree

*agree to it, will immediately move, that you may have a new Tryal granted you, and that the shameful Record, of your Farthing Damages (which will otherwise remain a Scandal to the Laws of England) may be cancelled.* I thanked him for his Friendship; but had seen *too much*, to desire to begin again. I made some *Observations* at the Tryal; which were so very *obvious*, that I believe I may safely assert, there was not one Person in the whole Court who did not make them as well as my self. This Thing was not done in a *Corner*.

I PREFERRED a Bill in Chancery against this *John Piers*, to compel him to the Performance of an *Agreement* signed with his own Hand, and *witnessed*, but which he resolutely refused to perform. He immediately preferred a *Cross Bill* against me; so that I found myself engaged in *Two* very expensive Suits in Chancery, and a good Quantity of Business cut out for Council, Attorneys, Solicitors, Clerks in Court, Commissioners, Agents, Evidences, Bailiffs, Under-Sheriffs, &c. My Adversary (though not worth *one Groat*) was so plentifully supplied with Money, so zealously served, and so strongly supported, by some Body or other, that after *some Years* spent in Law, and a vast Expence, I found myself unable to contend with him any longer: I have been obliged, for several Years past, to let this Law-Suit sleep, though I have every Year suffered very great *Loss* and *Damages* by *Piers's* not executing an Agreement he had made with me, and which was most evidently very much for his own *Advantage*: By this Agreement I was to have taken the Estate into  
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my own Hands, to have paid *Piers* Fourſcore Pounds a Year, *Nette-Money*, during his Life, (which was more than ever he made of it,) and to have diſcharged him from keeping in Repair the Houſe, Outhouſes, and Garden-Walls, which he was by the *fiſt* Covenants between us obliged to do.

I PROCEED to give you an Account of his *laſt Exploit*, which I do aſſure you is extremely famous in *Oxfordſhire*. I left my Houſe upon this Eſtate (*Piers* being ſettled for ſeveral Years paſt in a little Thatched Cottage, at a Diſtance from it) to the Care of a Servant. He has been in the undiſturbed Poſſeſſion of it for ſeveral Years paſt; and I have paid him above *Threſcore Pounds* for his Pains ſince he firſt looked after it. I left my Houſe (which is a pretty large one) *decently*, though not *richly* furniſhed: My Servant who had, and ſtill has the Keys, lives with his own Family at the other End of the Pariſh; but uſed conſtantly to go down once or twice a Day to ſee that all my Goods were ſafe. Some Time ſince, under the *Mask* of an *Execution*, my Papers at my Houſe in *Arundel-Street* were ſeized upon, and riſed in a moſt villanous Manner. I made my Complaints of this *Horrid Outrage* in a *proper Place*, as I thought at leaſt, and with *proper Affidavits* in my Hand; but could get no *Redreſs*; and upon conſulting the moſt eminent Council, found it was in vain to hope for any. I had ſtill Papers by me of great Conſequence to my own Affairs; and ſome, as I conceive, of no leſs Conſequence to the *Publick*. After what had paſſed, I was very uneaſy at having theſe Papers with me in the *Fleet*, and yet

yet scarce knew who to trust with them. I at last thought they would be thoroughly safe in a *strong Chest* and a *little Closet*, in one of the *Garrets* in my House in *Oxfordshire*; since the House stands by it self, is built of *Stone*, and, as no Body lived in it, could not be fired, unless it was done on Purpose. Upon these Considerations, I intrusted my *Papers* to an old Servant, who has lived with me a great many Years. I ordered her to go down to *Oxfordshire*, to get a strong Chest, which I described to her, removed up into the Closet; to put *New Locks* and *Keys* both upon the *Chest* and the *Closet-Door*; to lock them carefully, and bring up the two *Keys* with her to *London*; and not to leave them with my Servant in the Country, who had the *Keys* of all the rest of the Rooms in the House. My Maid went into *Oxfordshire*, and returning to me in a few Days with Two *Keys*; assured me, she had *exactly* executed my Orders; and that to avoid any *Talk* about *Papers*, she had likewise put some *Linen*, and other Things into the *Chest*. She had been in Town several Months, when I happened to fall into a very ill State of Health. During my Sickness, I received a Letter from my Servant in *Oxfordshire*, acquainting me, That my House had been *broke open* in the *Night*, and several Goods taken out of the *Hall*, though he could not say by whom; but that he had secured all the Doors again, faster than ever. Soon after, I received several other Letters from him, to acquaint me, That my House had been broke open several Times, and Part of my Goods stolen each Time; though he had not yet been able to discover the Villains. All I could do in my  
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unhappy Circumstances was, to charge him to watch the House carefully for the future, and to do his utmost to discover who the Villains were that robbed it. At last, he sent me Word, in the Month of *March 1731*, That he had surprized that very Morning one *Badcock*, a most notorious Rogue, and who had been several Times in Gaol; one *Gillman*, a Day-Labourer, and *John Piers*, who had broke open my House the Night before, as he supposed, because they had got all my Goods into the Court, and were actually carrying away the last of them, when he came upon them; That *Piers* and *Gillman* looked (to use his own Words) *as if they had been cut down from the Gallows*; and, that he told them they were base Men to break open his Master's House, and steal his Goods; That he could not get one Word from *Piers* and *Gillman*; and that *Badcock* only said, *He could not tell where they had the Goods*. He let me know by some other of his Letters, that all the Country cried out, *Shame!* upon this barbarous proceeding against a sick Man under Confinement, and unable to help himself: That *Piers's* best Friends, among whom were a certain Councillor, and an Attorney, who had formerly gone great Lengths to serve him, declared publickly, That this was so flagrant a *Felony*, that they would never more have any Thing to do with him.

I HAD strong Reasons to believe, that my poor Servant's applying for *Justice* would signify nothing; and I was under violent Apprehensions, that he might be taken off from given his Evidence: I resolved therefore, sick as I was, if possible, to go down my self. By making a

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Deposit

Deposit in the Bank of 250 l. I put myself out of the Power of two Persons to whom I do not owe One Farthing, and who are suing me for a pretended Debt, with no Design, but to ruin me. My few Honest Creditors, who know I will pay them as soon as ever I can, gave me free Leave to go wherever I pleased: So that in *August* last, I got down to *Oxfordshire*, in an ill State of Health myself, and forced to leave a Servant upon the Road, whom I took with me, and who was almost killed with a Fall from an Horse. My House lies about five Miles from *Oxford*. I went directly to *Oxford*, concealing myself as much as possible, and from thence sent to my Servant who had the Care of my House, to come privately to me. Upon talking with him, I found that my House was entirely stripped from Top to Bottom; that even the little Closet in the Garret was broke open, and the strong Chest with all the Papers in it carried off. I immediately took him to a Justice of Peace, to make Oath of the several Facts he had told me. The Fellow, upon Examination, gave the same Account of every Thing as he had before done to me, both in his Letters and by Word of Mouth. The Justice, while he was taking down his Examination in Writing, said, two or three times, *That is Felony*; and, *That brings the Felony home to Piers: That fixes the Felony upon Piers*. When my Servant had sworn to the Contents of his Examination, I desired a Warrant against the three Fellows who had broke open and robbed my House. A Warrant was granted me readily enough against *Badcock* and *Gillman*; but no Intreaties of mine could possibly prevail,

prevail, to obtain a Warrant against *Piers*. I confess, I have ever thought that *Justice* ought to be equal to all Men: It appeared by my *Servant's Oath*, That *Piers* was the *principal Offender*; and that one Part of my Goods which were stolen were hid in his *Barn*, and another Part carried to his *House*.

I BEG Leave, in this Place, to make a *Short Digression* upon the *Commission of the Peace*, as it has stood of late Years in the County of *Oxford*; and to shew you, That an *Oxfordshire Justice* can, when he thinks *proper*, be less *Delicate* and *Complaisant* than this Gentleman was in the present Case, to a Man who has often absconded for *Debt*, and, to my certain Knowledge, is not now worth *One Shilling*.

I WILL shew you, Sir, that an *Oxfordshire Justice* can, when he thinks *fit*, treat even an *Innocent Person* in a very different Manner.

SOME Years since, two Fellows were prevailed upon to swear the Peace against me. I found them endeavouring to break down one of my Gates, and told them, That if I caught them again at that Sport, I would order my *Servants* to fire upon them, or would do it myself. This was the real *Fact*. Upon these Fellows swearing the Peace against me, I was taken up with a *Warrant* by a *Constable*, carried away *five Miles* before a certain *Justice*, and treated by this *worthless Creature* with as much *Insolence*, as if I had been a common *Pick-pocket*. I was bound over, as usual, to appear at the *next Sessions*. If I had appeared, I must have had up my *Recognizance* of course. My not appearing was therefore a *Prejudice* to no Man, but to myself and my *Sur-*

*ties.* I was detained in *London* by Affairs of Consequence: Yet, because I did not leave all my Business, and appear at the Sessions in *Oxford*, (though no new Complaint was made against me) an Order was made at the Sessions, That my *Recognizance* (which, as I remember, was *threescore Pounds*) should be estreated.

O HAPPY *Britain*! O fortunate *Englishmen*! among whom *Justice* (the full Reward for all those immense Sums, and heavy Taxes you pay yearly to the Government) is thus *equally*, thus *impartially* administer'd!

I KNOW not in what Light Things have been represented to the Lord Chancellor; but I shall lay before you two other plain *Matters of Fact*.

Mr. Serjeant *Skinner*, a Gentleman of an unblemished Character, in considerable Business, eminent at the Bar, and Recorder of *Oxford*, who by Virtue of the City Charter may try a Criminal for a *Capital Offence*, and cause him to be *Executed*, as he actually has done; I say, Sir, this very Gentleman, thus qualified, and thus distinguished, was for several Years together kept out of the *Commission of the Peace* in *Oxfordshire*.

UPON his present Majesty's Accession to the Throne, when all the Commissions of the Peace were renewed, as I designed to settle near *Oxford*, (an University which I must ever love and honour), and had no Mind to be insulted by all who might think it meritorious to use me ill, because I was no *Favourite* of the *First Minister's*, I had a Mind to be in the Commission of the Peace: I was at the *Bar*, (which Circumstance alone, was always thought a sufficient *Qualification* for a Justice



Justice of Peace,) I had at least *One Thousand Pounds per Annum*, which lay in *Middlesex, Oxfordshire*, and other Counties: I had been in several considerable Posts under the late King, and shall make no Scruple to say, That I had done the House of *Hanover* some Services. I applied upon this Occasion to a Brother-in-Law, who is a Member of your House, one of his Majesty's Council, and has two considerable Posts. My Brother (with whom, till I had openly declared against a certain great Man, to whom he has personal Obligations, I lived in a perfect Friendship) readily promised to get me put into the *Commission of the Peace*. He did accordingly speak to — *Martin Esquire*, the Lord Chancellor's Secretary. I waited twice myself upon the same Gentleman; and was in hopes of obtaining this *only* Post I ever applied for since his most gracious Majesty's Accession to the Throne. But when the *Commission of the Peace for Oxfordshire* was renewed, my Brother was not a little surprized (I had seen *too much* to be surprized at *any Thing*) to find that I was left out of it.

AMONG all the Acts of Parliament which passed last Sessions, I am humbly of Opinion, there was not a better Act than that for *Regulating the Commission of the Peace*: I am afraid the Power of a Justice of Peace, (which is every Year growing greater) has been too often intrusted to very *improper Men*, and abused in the most *scandalous* Manner. I have myself made a Collection of some *Facts*, which may one Day be of use. Your providing that no *Attorneys* should be in the Commission, was a most wise and necessary Regulation: How often those Men

have

have made the Power of a Justice of Peace subservient to their own *Interests* and *base Designs*, is pretty notorious. I should be loth to assert too positively, that this Power was never abused by *Gentlemen at the Bar*. You may possibly, Sir, find it necessary one Day or other to take effectual Care, that no two or three Men linked together, and countenanced by a *first Minister*, shall have it in their Power to *ride* and *tyrannize* over a whole County.

I RETURN from this *Digression*, to the Relation of my own Affair.

I WAS not able, as I have already told you, to obtain a Warrant for the apprehending of *Piers*. All I could prevail upon the Justice to do, was to send him a *Letter*, wherein he acquainted him with what my Servant had sworn; and let him know, That if he did not appear before him, he should be obliged to grant a Warrant against him. I took the Liberty to let the Justice know, that I conceived such a Letter was little better than giving *Piers* fair Warning to run away. That I was satisfied he, and the other two desperate Fellows, who had broke open and robbed my House, were encouraged to do what they did from a Belief that I was dying; and that I was persuaded they would all three of them run away, as soon as ever they heard I was in the Country. But all my Reasons and Arguments were not sufficient to procure a Warrant for the apprehending of *Piers*.

I SHALL in this Place do the Gentleman in the Commission of the Peace, to whom I applied, the Justice to acquaint my Readers, that he is generally thought to be as *Learned in the*

the Law as any one Man in *Oxfordshire*, and is a sort of Oracle in the County. He has good Business; as fair a Reputation as most Gentlemen at the Bar, and has ever been looked upon as a staunch Whig. I have heard, indeed, that he is not altogether unknown to a certain *Great Man*, whom I do not take to be my *Friend*; but am very unwilling to think that a View of pleasing any Man, should have any Influence over his Manner of acting in the Commission of the Peace. I must likewise do him the Justice to own, that though I could not obtain from him what I desired, I was treated by him with great Civility and good Manners. But when I have done him the Justice to allow all this, the learned Gentleman must excuse me, if I take the Liberty to relate *Matters of Fact*, especially since I find my Ruin completed by his refusing me what I humbly conceive, at least, I had a Right to demand; and since I do not know how soon some of my Fellow-Subjects may be in the same Circumstances with myself.

FINDING I was unable to obtain a Warrant for apprehending *Piers*, I desired, that I might have a Warrant to search his House and Barn for my Goods. My Servant swore positively, that one Part of them were in his *House*, and another Part hid in a *Barn* which stood in a Field at some Distance from his House.

Mr. Justice made some Difficulty to grant me such a Warrant: At last, however, I obtained a Warrant from him in the following Words:

Oxon

*Oxon' ff. To the Constable of Cuddesdon in the said County, and also to the Constable of Denton in the said County of Oxon, and to each of them.*

*WHEREAS it hath been proved upon Oath before me, one of his Majesty's Justices of the Peace for the said County, That several Goods belonging to Eustace Budgell Esquire, have been stolen out of his House in Denton in the County of Oxon; and that the said stolen Goods are now in the House of John Piers of Cuddesdon aforesaid; These are therefore, in his Majesty's Name, to require you to search the House and Barn of the said John Piers, in Cuddesdon aforesaid, for the said stolen Goods; but you are not to break open any Door, or to do any Thing therein which is illegal. Given under my Hand and Seal this 27th Day of August, 1731.*

John Wr——t.

(L. S.)

*I BELIEVE I may defy any Man in England to match this Search Warrant: It appears, upon the very Face of the Warrant, that it had been proved upon Oath, That my Goods had been stolen; and that the said stolen Goods were in the House of John Piers. Upon which, Mr. Justice commands the Constable, in his Majesty's Name, to search the House and Barn of the said John Piers for the said stolen Goods; and yet, immediately after, expressly orders him not to break open any Door. How to make these two Orders consistent with one another, is, I confess, past my Skill; and I am afraid, would a little puzzle even the Learned Gentleman who gave them.*

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I represented to him, that he was commanding *Impossibilities*: I desired nothing more but, that he would give me a *Search Warrant* in the common *Form*, and allow the Constable to execute it as he did all other Warrants of the same Nature. I even offered to give him sufficient *Security* to save both himself and the Constable harmless for so doing: I told him the meanest *Cobler* in *London* was never refused what I now asked; and that no body knew better than himself, that all the *Justices* in *England* issued their Warrants to search Houses without any *Restriction*, when positive *Oath* was made before them that stolen Goods were in such Houses.

He confessed that most *Justices* did act in that Manner; but added, That having considered how the *Law* stood, he did not take such Warrants to be *legal*; and therefore must desire that I would excuse him from granting me such a Warrant.

*If the Law stands as this Gentleman says, I own he has done me no Injury*; but then one Thing I am sure of, *viz.* That if, when our Houses are broke open, and we know *where* our Goods are carried, we must not be fully impowered to search for them, it is high Time that all *Englishmen* should know in how *blessed* a Condition they are, and how firmly their *Properties* are secured to them. I believe, Sir, I may venture to assure you, that if the *Tradesmen* in *London* believed the *Law* stood as this learned Gentleman says it does, they would not sleep one Night quietly in their Beds, till your House met again, and they had a new Act of Parliament passed for the *Security* of their *Properties*. If this learned Gentle-

man is right in his Notion, (for I will not suspect that he did not *believe* himself, what he told me,) it is likewise high Time that all the Justices in *London* (I might perhaps add, all over *England*) should be informed, that they have hitherto acted either like a Pack of *ignorant Fools*, or a Gang of *House-Breakers*. These Considerations, Sir, make me conceive it highly necessary to lay my *Case* before the Publick. I am pretty confident, that if Constables cannot be empowered to *break open Doors*, and to seize stolen Goods, when it appears upon Oath that such Goods are in such an House, *Nine* Felons out of *Ten* will for the future escape, who are tried at the *Old Bailey*; and against whom I observe the *strongest* Evidence usually is, that the *Goods* stolen were found in the *Felon's House*. I will not suppose any Thing so much to the Scandal of our *Laws*, as to fancy that a *Point* on which the *Properties* of so many Persons must *daily depend*, is left *doubtful*, and a Thing for Lawyers to quibble, dispute, and harangue upon; if it be, we have been most egregiously *bantered* in being so often told that our *Laws* are the *best* in the *World*. I dare say, this *Point* is fully settled in all *Foreign Nations*, even among the *Hottentots*.

I COULD get no other Warrant than such a one as I have given you the Copy of, nor could persuade the Justice to trust me even with *this*, till I had given him my *Word* and *Honour* that I would not suffer the Constable to break open any Door. With this strange sort of *Search-Warrant*, I rode to *Cuddesdon* (five Miles from *Oxford*) where my House lies. The Constable to whom I first shewed the Warrant, refused to

do any Thing upon it : But at last, I made the *Tithing-Man*, or *Under-Constable*, promise me to go to *Piers's* House. I told him I would go thither first my self, ordered him to stay some time behind me, and not to go to the House the same Way I went. Upon my coming to *Piers's*, by great good Fortune, I found the Door open ; and going in, saw several of my Goods, such as a Clock, a Jack, and a good Quantity of Pewter in a lower Room, which was open : No body but *Piers's* Wife was in the House ; she was so surprized to see me, that it was near ten Minutes before she spoke one Word. I sat down, and resolved she should speak first. At last she broke out into the following Words: *I thought you had been safe enough ; I suppose you are come down to bang my Husband for breaking open your House, and taking away your Goods ; but he heard you was in the Parish, and is got far enough out of your Reach ; you shall never see him more.* I assured her *I had no Warrant against him ;* but she told me *she did not believe me, and that I should never see him, nor know where he was.* At last the Constable came, who told me, That as he was coming to the House the *Back-way*, he met *Piers* in the Fields, going off ; that he told him he was going to search his House for stolen Goods ; but that he had no Warrant against him. Whereupon *Piers* said, That he would come to him ; but that he much doubted, whether he would be as good as his Word. I made the Constable, however, stay a good while before we did any Thing ; but finding it in vain to expect *Piers*, I went up Stairs, and looking through some Holes in the Doors of the Chambers, I saw se-

veral of my Goods in each Room. I saw in particular the strong Chest in which my Servant had lodged my Writings and Papers. The Constable commanded *Piers's* Wife in the King's Name to open the Doors; but this she resolutely refused to do. We were expressly forbid by our Warrant to break them open, nay, what was worse, I could not get even this Warrant, till I had given my word and Honour that no Doors should be broke open. Leaving therefore the Constable in the House, I went with my Servant to the Barn, where he told me several of my Goods were hid; and looking into the Barn through several Holes, saw that a considerable Part of my Goods were really there. *Piers's* Wife refused to open the Barn, as she had before done to open the Chambers. All I could do, therefore, was to bid the Constable take such of my Goods as we found in the Rooms that were open, and carry them back again to my House, where I told him I would be answerable for them. The Goods he seized, were a Chest of Books and Pamphlets, a Clock, a Jack, a Chest of Drawers, some Chairs, and some other Things of no great Value. I had forgot to take the Inventory of my Goods from my Servant, whom I left under a Surgeon's Hands upon the Road; and therefore whenever the Constable, or the Man who assisted him, took up any Thing which *Piers's* Wife declared did not belong to me, I made them lay it down again. Notwithstanding this my Civility, she gave me the most vulgar and abusive Language that can possibly be conceived; and went at last so far, as to strike me. I hope I can keep my Temper under greater Provocations than a Woman's Hands.

or



or Tongue. All, who were present, will witness for me, that I never returned her either an harsh or uncivil Word.

HAVING done all I could by Virtue of my notable Search-Warrant, I rode back again to my Justice at *Oxford*. I now made Oath before him myself, as I could safely do, that my House was stripp'd of all the Goods I had left in it; and that I had actually seen a great Part of them in *Piers's* House and Barn: That his own Wife confessed they were my Goods; yet refused to open the Doors, and let the Constable take them. I told the Justice, that I had lost some Papers and Writings, which were of the utmost Consequence to my own private Affairs; and that I conceived some of them were even of Consequence to the Publick: That I must look upon myself as a ruined Man, unless I could recover these Papers; and therefore earnestly conjured him once more to grant me a *Search-Warrant* in the common Form, which was never refused the meanest Porter in *London*. All I could say was to no Purpose. Though the Justice owned, That he did not at all doubt the Truth of what I and my Man had sworn, he was still pleased to be of Opinion, that he could not *legally* grant me such a Warrant as I desired. In this Place I cannot help saying thus much: If this learned Gentleman could legally have granted me such a Warrant as I desired, I have been most cruelly, and most inhumanly treated: If he could not legally grant me such a Warrant, I own I have no Reason to complain of him: But then, I must once more add, that it is high time the People of *England* should be informed upon how blessed a Foot their

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Properties stand ; and that every Justice should also be informed, That all the Warrants he has hitherto granted to search for stolen Goods were *illegal* ; and that such Warrants for the future ought to run in the same Words with mine.

THUS much farther, with Submission to the *most learned Gentleman*, I shall venture to say ; By the Laws of *England*, Two positive Witnesses to the same *Fact*, are thought sufficient even to take away a Man's *Life* : Therefore, that *two* positive Witnesses, who *both* swear a Man's Goods which have been *stolen* from him are in such a Room, should be sufficient to procure him a Power to break open that Room, and take his *own* Goods, is so very agreeable to COMMON SENSE, and COMMON JUSTICE, that I would not willingly believe it is contrary to LAW. If turning a Key upon stolen Goods was sufficient to secure a Felon in the Possession of them ; I humbly conceive, that two or three desperate Ruffians might rifle the Shop of the richest Goldsmith in *London*, carry off all his Plate, Cash, Books, and Bank-Notes ; and after all this, if the Administration was corrupt, and Pardons to be bought, might purchase a Pardon with one *Half* of their Booty, and put the *Remainder* into their own Pockets : Nor do I at all doubt, but that if those *worthy Persons* who live by *breaking open Houses*, and *robbing upon the Highway*, were informed that the Law stands as this *learned Gentleman* says it does, they would soon make a *proper Use* and *Application* of his *Doctrine*.

You may possibly ask me, Sir, Why I did not apply to some other Justice ? I answer, That I have constantly found the *Country Gentlemen* decline

cline to act, and been referred by them to the *Gentlemen at the Bar, Men learned in the Law*. Of these there are but two in the City of *Oxford*: One of them, *viz.* the Recorder, who has lately been admitted into the Commission of the Peace, (whatever his *Reasons* are,) has not yet qualified himself to act in the County at large; the other is the *Person* to whom I did apply; so that I had no *Choice*. I acquainted this *learned Gentleman*, That the three Persons, who had robbed me of my Goods, had (as I believed they would) all fled from their Houses the Moment they heard I was in the Country; but that the Constable had seen *Piers*, and might have taken him, if he had had a Warrant against him. I thought, at least, that Mr. Justice seemed a little *struck* with what I mentioned about *Piers*. In short, *Badcock* and *Gillman* were no where to be found all the while I staid in the Country; but after some Days, I received a Letter from the Justice, that *Piers* would appear before him at such a Time. I have *Reasons* to think, that before he could be persuaded to appear, the strongest Promises were made him, That he should be effectually *screened*, and brought off, as he was before in the Case of the *Farthing Verdict*; and how punctually these Promises were kept, my Readers shall see anon. I went to the Justice's at the Time mentioned in his Letter. I found *Piers* was there before me, with an old Attorney well known in *Oxfordshire*. *Piers* (who I believe had been well tutored) said but little himself: He would neither *own*, nor *deny* that he had broke open my House: His Attorney spoke for him; and told me, That if I durst indict *his Client* for *Felony*, his Client should

should indict me for the *same* Crime. Though I was a little surprized at this modest Piece of Assurance, I resolved not to be bullied out of my Senses. I told the Justice, That however that Gentleman might act, I was resolved to indict *Piers* for the Felony; and therefore hoped he would commit him till the next Assizes. I could not prevail on this Head: The Justice resolved to admit him to Bail; and though I declared upon Oath, That the Goods which I had lost, were of a very considerable Value, and that my Papers and Writings were still of a much greater Value, I could only prevail to have him held to *Forty Pounds* Bail for his Appearance at the next Assizes. His Attorney still threatened me, that his Client should swear *Felony* against me; and actually took the Bible in his Hand to deliver to him, that he might do so. But here the Justice thought fit to interpose, by declaring, he did not see there was the least Room to charge me with *Felony*, since I seemed to desire nothing more, than to recover my own Goods. Thus, Sir, by good Fortune, I escaped being charged with a *Felony*. It may perhaps be thought more advisable to charge me hereafter with *High-Treason*. The Pretence for charging me with *Felony*, was this: *Piers* affirmed, That in the Chest of Books, which the Constable had seized in his House, there were two or three Books which were none of mine, but which he had borrowed of the Bishop of *Oxford*. Upon Inquiry, I found this to be *false*: The Bishop assured me, he had not lent him a single Book. Having done all I could in this unhappy Affair, I was forced to return back to *London*, after a very fatiguing and expensive Journey, with the  
wretched



wretched Consolation, that I had found my House stripp'd of every Thing in it; and that though I had actually seen in *Piers's Barn*, and his upper Rooms, the greatest Part of the Goods I had lost, I could not be impowered to seize them.

THE Fatigue of the Journey under an ill State of Health, and my Reflections upon the cruel Treatment I met with, threw me into a new Fit of Sickness. I resolved, however, if I was alive, to go down to the next Assizes in *Oxfordshire*; and being unable to ride, was carried down in a Coach. As I was sensible no Arts or Cunning would be omitted to screen and bring off *Piers*, I thought proper to carry down an Attorney with me from *London*, a Man who was a Master of his Business, and in whom I thought I could confide. I likewise took my old Servant with me, by whom I had sent down my Papers, and who very well knew in what Manner my House was furnished before it was robbed.

UPON my Arrival at *Oxford*, I found that *Badcock* and *Gillman*, though they had absconded all the while I was last in the Country, and for some Time after, were now grown so bold, that they appeared publickly, and suffered themselves to be taken by the Constable, whom I sent to apprehend them. I shall not here pretend to determine what were the Reasons of this their new Courage, or what Promises had inspired them with it. Having been assured before I left *London*, by some of the best Judges in *England*, that the Fact they had committed was a most plain and flagrant Felony, I indicted them and *Piers* for Felony accordingly.

I FOUND some Difficulty even in getting the Clerk of the Indictments to draw up the Indictment; and have the strongest Reason to believe, that Gentleman had been *spoke with* before I saw him. Upon this Occasion, and several others, the Attorney, whom I had brought down with me, told me twenty Times over, That *he observed such Things as he could never have believed, if he had not seen them himself; and that I might depend upon it, I should not be credited, if I related them in London.* The Indictment was, however, at last transmitted to the Grand Jury. I must confess, I am not able to comprehend, how any Felony can possibly be proved more fully than *this* was: Notwithstanding which (to the infinite Astonishment of many more besides myself) the Bill was returned *IGNORAMUS*. It is with the utmost Trouble and Concern, that I find myself obliged to say any Thing that may possibly be interpreted into a *Reflection* upon those Gentlemen of *Oxfordshire*, who composed the Grand Jury; yet I am in hopes, that when all I shall say upon this Occasion is taken and considered together, what I am forced to say, will not be thought any Reflection upon them. I have Reasons to think, that the utmost *Art* and *Cunning* was used to induce them to do what they did do; that both my Character, and *Piers's* was misrepresented to them; that different Gentlemen were prevailed upon to do what they did by Arguments of a very different Nature; and that few, if any of them, knew *who* it was they were really serving and screening. I have the strongest Reasons to believe, that *some Persons* were under the utmost Apprehension of having this

Affair

Affair brought before a Court of Justice; and, that if the three Fellows, who robbed my House, had been *convicted*, (which I cannot see how it was possible to have avoided, if they had been brought to their *Tryals*,) they might have made some *Discoveries* which would have surprized all the World. For my own Part, as highly as those Wretches have injured me, I am so far from thirsting after their *Blood*, that if they would but have made an ingenuous Discovery of one *certain Fact*, I would have been the first Man in *England* to have interceded with his Majesty for their *Lives*. Depending wholly upon the *Justice* of my *Cause*, I never spoke to any one Gentleman upon the Grand Jury; nor do I, to this Day, know the *Names* of more than *two* of them. It is true, that after the Bill was returned *Ignoramus*, I endeavoured to have got a *List of their Names*: I applied for it; I offered any *Money* for it: I was promised I should have it; and yet after all, was not able to procure it. I must, however, do the Gentlemen of the Grand Jury this farther Piece of Justice, If I am rightly informed, they were not *all* unanimous in their Opinion for returning the Bill *Ignoramus*; and some of them have, since the Assizes, expressed their *Dissatisfaction* at what was done. Lastly, I must do them the Justice to own, That when I was examined before them, I was treated with the utmost *Good Breeding* and *Politeness*.

HAVING premised thus much, I shall lay before you, and my Readers, an exact Account of what passed at my *Examination*. When I heard the Bill was returned *Ignoramus*, I immediately drew up this Account, while the whole Thing was

fresh in my Memory, and before several Witnesses: For the Truth of this Account, I dare boldly appeal to the *Gentlemen* of the *Grand Jury* themselves.

To avoid the Monosyllable *I*, and a continual *Egotism*, I have taken the Liberty to speak of myself as of a *Third Person*; and since I do not know the *Names* of those *Gentlemen*, who asked me the *particular Questions* mentioned in the following Account, I have placed before those Questions the Word *Jury*.

*A true Account of what passed at Mr. Budgell's Examination before the Grand Jury for the County of Oxford, at the last Assizes held in that City, on the Second Day of March, 173 $\frac{1}{2}$ .*

**M**R. BUDGELL being called in, was received with great Civility by the *Gentlemen* of the *Grand Jury*, who rose up and saluted him.

He began by saying, That he was glad of an Opportunity of appearing before so many *Gentlemen* of Worth and Honour in the County: That he believed he had been misrepresented to some of them; but that he could heartily wish, not only the *Gentlemen* there, but that every *Gentleman* in *England* was present, and could be so at the Tryal, which he believed would soon come on, that they might be Witnesses after what *Manner* he had been treated. He told them he had been lately so ill, that his Life was thought in great Danger; that he was *still* very weak; and that *nothing* but an absolute *Necessity* to secure and defend his *Property*, should have made him come down to the *Assizes*. He then  
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gave them an Account of his being *robbed* of the whole Furniture of his House; of his finding and seizing Part of his Goods in *Piers's* House, and of what passed there, in the Manner before mentioned. The Gentlemen of the Jury heard him with great Patience and Attention; and when he had done speaking, asked him the following Questions; to which he returned the following Answers.

JURY. *I think, Sir, You are pleased to say, that your House is intirely stripped from Top to Bottom; now you mention in your Bill, but one Time when you was robbed: Pray, Sir, How could three Men carry off the whole Furniture of a House at one Time?*

ANSWER. Gentlemen, What you are pleased to observe, is very true: My House is intirely stripped from the Garret to the Cellar; but the Furniture was so far from being carried off at once, that you may please to remember, I informed you, that I had received *four or five* several Letters from my Servant, to let me know, that my House had been *broke open* in the Night four or five several Times before the First of *March* last; and that *Part of the Goods* had been taken away at *each Time*; but that till that Morning he could never catch the Thieves, and consequently could not swear who had broke open my House, and taken my Goods.

JURY. *Pray, Sir, Why does your Servant fancy your House was broke open tin be Night?*

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ANSWER

ANSWER. Gentlemen, The Man himself is at the Door, and you will soon have him before you; but the Reason why, he told me, he thought the House had been broke open in the *Night*, was because he saw several Goods in it in the *Evening*, which were gone the next *Morning*.

JURY. Pray, Sir, I think it was about seven or eight a Clock in the Morning when your Servant caught Piers, Badcock, and Gillman?

ANSWER. Yes, Gentlemen, it was; but he thinks they must have been at work the *Night before*; because, when he came upon them, the House was not only broke open, but a great Parcel of Goods, which they were then carrying away, were removed into the Court, and an Out-house.

JURY. Sir, We wonder they would stay so long as seven or eight a Clock in the Morning, when your Servant lay in the House.

ANSWER. I beg Leave, Gentlemen, to set you right in that particular: My Servant does not lie in the House, but in his own House, a great Distance from mine, though in the same Parish. He always kept the Keys of my House, indeed, and used to go down to it once a Day, to see that the Goods in it were safe. My House stands by itself, and no Body lay in it; which I presume made those who robbed it venture to stay so late.

JURY.

JURY. Sir, 'Tis very well known in the Country, that there have been a great many Goods taken out of the House: But pray, Sir, upon the Oath you have taken, *Whose Goods were they? Who had the real Property in them?*

ANSWER. Upon the Oath I have taken, Gentlemen, all the Goods in the House were my own: I bought them, paid for them, and had been in the undisturbed Possession of them for several Years before.

JURY. Upon the Oath you have taken, Sir, *Were none of those Goods Mr. Piers's?*

ANSWER. Upon the Oath I have taken, Gentlemen, Mr. Piers had no Goods to the Value of one single Penny in the whole House.

JURY. Upon the Oath you have taken, Sir, *Don't you know, or have you not heard, that Piers pretends some Title to these Goods?*

ANSWER. Upon the Oath I have taken, and upon the Honour and Word of a Gentleman, I neither know, nor have heard, nor can possibly imagine, that Piers pretends any Title to these Goods. However, Gentlemen, if he can shew the least Colour of a Title to any of them, he will doubtless do it now upon his Tryal; and it will doubtless have its proper Weight both with the Judge and the Jury.

JURY. You were pleased to say, Sir, that you had bought, and paid for these Goods: Pray,  
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may we ask you when, and where you bought and paid for them?

ANSWER. Gentlemen, I shall with a great deal of Pleasure give you a full and true Account how I came by every Thing in the whole House. The most valuable Things were brought down from my House in *London*: I lived for many Years together in an House in *Arundel-Street*, which I believe several Gentlemen here know: Governor *Russel* lived in it before me: It is the best House in the whole Street, had four Rooms on a Floor, five Windows in Front, and faced Mr. *Congreve's*. All my Servants, and the *Oxfordshire* Carriers can witness, that I brought down to *Denton* from this my House in *London* Beds, Sheets, Table-Linen, Pewter, Plate, and other Things: The Plate indeed, by good Fortune, was carried back again to *London*. Another Part of the Goods, Gentlemen, it is true, were some Years since Mr. *Piers's*; but they were taken in Execution at the Suit of one *Sandbatch*. Mr. *Wells*, a Gentleman, who has a good Estate, who is now in Town, and whom I have subpoena'd, bought them of the Sheriff on the 30th of *January* 1726. I bought them of Mr. *Wells*, carried some of them with me to *London*, and have been in Possession of the rest of them ever since the Year 1726, without Mr. *Piers's* ever pretending the least *Right* or *Title* to them. The rest of the Goods, Gentlemen, where such as I bought here in *Oxfordshire*, at several Times, as I wanted them.

JURY.



JURY. Pray, Sir, when you searched Mr. Piers's House, did you see any of your Goods there which you brought down from London, or bought in Oxfordshire?

ANSWER. Yes, Gentlemen, a great many. The very first Thing I cast my Eye upon, when I came to Mr. Piers's Door, was a large new Lock which I bought at Oxford, and which my Servant put upon my Hall-Door by my Orders. The Fellow is now at the Door, and I believe can swear to the Lock.

JURY. Pray, Sir, had you never a Law-Suit with Mr. Piers?

ANSWER. Yes, Gentlemen, I formerly had: But we have made no Step against one another in Law for at least these three Years, I believe I may say, these four Years past.

JURY. Be pleased, Sir, to give us some Account of your Law-Suit with Mr. Piers.

ANSWER. Though this, Gentlemen, is quite foreign to the *Felony*; yet am I very glad you are pleased to give me an Opportunity of telling you the Story. Before the *South-Sea* Year, I bought one undivided Moiety of Mr. Piers's Mansion House, Outhouses, and Gardens, in present Possession; and the Reversion of his whole Estate (which is about 100 *l. per Annum*, part Leasehold) after his Decease. For this Estate, I honestly paid my Purchase-Money, which pre-

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vented his being flung into a *Gaal*. I think I can prove that it was no *cheap* Purchase, when I bought it; but as he has managed Things since, I believe it has been one of the *dearest* Purchases that ever Man made. *Piers* was obliged by the Writings executed between us, to cut down no *Timber*, nor even a Stick of *Wood* upon the Freehold Estate, without my exprefs Leave: Notwithstanding which, as soon as I had paid my Purchase-Money, and was gone up to *London*, he cut down a good deal of *Timber* and *Wood*, and a long shady Walk in the Garden, which he had often heard me say, I would not lose for *two hundred Pounds*. To prevent such Devastations for the future, in the Year 1723, I came to a *second Agreement* with him, which we both signed with our own *Hands*, and which was likewise *witnessed*. By Virtue of this last Agreement, I was to have full Possession of the *whole House*, and *all* the Estate, from the Time our Agreement was signed: In consideration whereof, I was to pay *Piers*, as long as he lived, *fourscore Pounds per Annum* Nette Money, which is more than ever he made of the Estate in his Life. Having made this Agreement, I returned to *London* (where my Affairs called me) pretty well satisfied; but had not been many Weeks in Town, when I received Advice, That *Piers* was cutting down my *Trees*, and committing as much Waste as ever. Upon my coming into the Country, I found the Intelligence I had received was too true; and *Piers*, to my great Surprise, refused to receive his *Annuity*, which I *tendered* him, or to execute our Agreement. By this Means I was forced into a *Law-Suit* whether I would, or no. Mr. *Wickham*, a Gentleman,

man, who (I dare say) was well known to every Person in this Room, who was an old Acquaintance of *Piers's*, and the *best Friend* he had, hearing of our Differences, came to me, and told me, *He should be glad to make up Matters between us.* I answered, *That I was so well satisfied he was an honest Gentleman, that I would entirely refer every Thing to him.* He told me, *That he would not take the whole Matter upon himself; but that Mr. Serjeant Skinner, the Recorder of Oxford, (a Gentleman, whom I had never then seen,) was a very worthy Man: That if I pleased, he would engage the Serjeant should settle all Writings and Matters of Law between us; while he himself would act the Part of a Country Gentleman and a good Neighbour.* I readily agreed to this Proposal; whereupon he told me, that he would engage *Piers* should agree to it. Upon his talking with *Piers*, *Piers* did agree to it; so that he and I went amicably together, and bespoke a Dinner for the Entertainment of our Referrees at the noted House here upon the Heath between *Cuddesdon* and *Oxford*. On the Day appointed *Mr. Wickham* and *Mr. Serjeant Skinner* came there: I met them, To our great Surprize *Piers* never came near us, or so much as sent an Excuse; but left me to pay for the whole Entertainment he himself had bespoke. I have heard that he was *advised*, or rather *commanded* to behave in this Manner, by a certain Gentleman, whom I shall not now name.

THE Bishop of *Oxford*, who resides in the Parish where this little Estate lies, and who had some Kindness for *Piers*, desired me likewise, soon after this, to make up Matters with him.

and offered to be the Mediator between us. I told his Lordship that since he was so kind as to take so troublesome an Office upon him, I had but one Thing to say, namely, That *I entirely submitted all my Interests to his Lordship's Determination.* His Lordship, upon this frank Concession, thought himself very sure of composing all Differences between Mr. Piers and me. He had even the Goodness to invite Piers to dine with him, and kept him one whole Day, in order to persuade him against *going to Law*, and to end Things amicably: But his Lordship found, to his infinite Surprize, that all he could say was to no purpose. I should not, Gentlemen, presume to mention the Names of the Bishop of Oxford and Mr. Recorder, if I had not express *Leave* from them to tell these two plain *Facts*, whenever I found it necessary to do so, for my own Justification. I hope, Gentlemen, these two Stories are sufficient to convince you, that I am not a *litigious Person*. To make short of my Account, This Piers, a Man to whom I have often lent Money to buy *Bread* for his Family; a Man, who to my certain Knowledge is not worth one *Shilling*, if his *just* Debts were paid; I say, Gentlemen, this Man has constantly refused to hearken to any Accommodation, and carried on two Chancery Suits against me at a vast Expence for several Years together: That he hath been *supported* in an extraordinary Manner, all the Neighbourhood are fully sensible: By what *Persons*, or with what *Design*, he has been thus *supported*, I shall not at present endeavour to determine.

JURY.



JURY. *Do you take the House, Sir, which was robbed, to be your own?*

ANSWER. Yes, Gentlemen, I do. I bought one undivided Moiety of the House, and was in Possession of it before the *South-Sea* Year. By the Agreement, which *Piers* signed in 1723, I was to have the other Moiety from the Date of that Agreement. *Piers* quitted the Possession of the whole House to me in the Year 1725, and has ever since lived in several other Houses at a good distance from this House, which I think I may properly call *mine*. However, Gentlemen, you see I have not indicted him for *Burglary*, though he broke open the House: He is only indicted for *Felony*; and with Submission, even though we had lived together as Tenants in Common, and in the same House, it would certainly have been *Felony* if he had stolen my Goods.

JURY. *You said, Sir, that Piers fled for this Felony; now that would indeed be a Sign of his Guilt: But what makes you think, Sir, that he fled?*

ANSWER. Gentlemen, I think so, because the first Thing his Wife said, when she could speak to me, which she was not able to do for some Time, was, *I thought you had been safe enough: I suppose you are come down to hang my Husband, for breaking open your House, and taking away your Goods: But he heard you was in the Parish, and*  
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*is got far enough out of your Reach ; you shall never see him more.*

JURY. *He might be gone to see a Friend : Why do you think he went away for fear of you ?*

ANSWER. Gentlemen, the Constable, who will soon be before you, will inform you, That he met him as he was going off ; and told him he had a Warrant to search his House for stolen Goods, and desired him to be present : That Piers promised he would ; but that, though we staid a long Time for him, he never came near us. After some Days, indeed, he was encouraged to appear ; and I can even guess by what Persons he was thus encouraged.

JURY. *Pray, Sir, were the Chest of Drawers, the Clock, and the Jack, mentioned in the Indictment, Part of those Goods which you brought down from your House in London, or were they Part of the Goods which you bought of Mr. Wells, and which he bought, as you inform us, in the Year 1726 of the Sheriff of Oxfordshire ?*

ANSWER. The Chest of Drawers, the Clock, and the Jack, were Part of the Goods I bought of Mr. Wells ; Other Things mentioned in the Indictment I brought down from my House in Arundel-street.

JURY. *Sir, when you gave us an Account of your seizing your Goods, you told us you saw some of your Goods through the Key-Holes, or other Holes*  
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*in several Rooms, which Piers's Wife refused to open; and that though you saw a great Quantity of them hid in a Barn at some distance from Piers's House, you durst not break open any Door, because there was a Restriction in the Warrant granted you by Mr. W——t, to prevent you from so doing. Now, Sir, to be sure, if it had been proved upon Oath before Mr. W——t, that any of your Goods had been stolen out of your House, and were in any particular Place, he would have immediately granted you a Warrant to have broke open the Door of that Place.*

ANSWER. Why, Gentlemen, I must confess I did think so too; and I never in my Life knew such a Warrant refused before, even to the meanest of his Majesty's Subjects: But Mr. W——t, who I am sensible is a very ingenious Gentleman, and learned in the Law, might, for ought I know, have particular Reasons for what he did.

JURY. *Pob, Pob! Sir, To be sure he would not refuse you a Common Search-Warrant; nor have given you his Warrant to search a House for stolen Goods, and yet have put a Clause in it, to prevent your breaking open any Door: There was never such a Warrant in the World.*

ANSWER. Why, Gentlemen, to be plain with you, I did think this Warrant so great a Curiosity, that I took Care to take a Copy of it; I believe I have it now in my Pocket, and, if you please, will read it to you.

JURY.

JURY. *Ay, ay, Pray Sir do; this is something to the Purpose.*

MR. *Budgell* then took out an attested Copy of Mr. *W——t*'s Warrant, and read as follows.

Oxon' ff. *To the Constable of Cuddeſdon in the ſaid County, and alſo to the Constable of Denton in the ſaid County of Oxon, and to each of them.*

“Whereas it hath been proved upon Oath  
 “before me, one of his Majesty's Juſtices of the  
 “Peace for the ſaid County, That ſeveral Goods  
 “belonging to *Euſtace Budgell* Eſquire, have  
 “been ſtolen out of his Houſe in *Denton* in the  
 “County of *Oxon*; and that the ſaid ſtolen  
 “Goods are now in the Houſe of *John Piers*  
 “of *Cuddeſdon* aforeſaid.” [Pray Gentlemen  
 obſerve, *Whereas it hath been proved upon Oath*  
*before me, That ſeveral Goods belonging to Euſtace*  
*Budgell Eſquire, have been ſtolen out of his Houſe,*  
*and that the ſaid ſtolen Goods are now in the Houſe*  
*of John Piers:]* “Theſe are therefore in his Ma-  
 “jeſty's Name, to require you to ſearch the  
 “Houſe and Barn of the ſaid *John Piers* in *Cud-*  
 “*deſdon* aforeſaid for the ſaid ſtolen Goods: But  
 “you are not to break open any Door, or to do  
 “any Thing therein which is illegal.” Given  
 under my Hand and Seal this 27th Day of Auguſt,  
 1731.

John Wr——t.



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THE Gentlemen of the Jury look'd at one another, and seem'd to be a good deal *surprised* upon the reading this Warrant: They took it out of Mr. *Budgell's* Hand; several of them look'd upon it; and one Gentleman observ'd to another, who sat by him, that it was only a *Copy*; and not the *Original Warrant*.

Mr. BUDGELL, after this, told them; That he found by the very Questions which had been ask'd him, that every Gentleman there was satisfi'd that his House had been robbed, and the Goods in it taken away; and that, indeed, the Fact was too notoriously known to all the Country to be denied.

HE then inform'd them, That though his Goods alone were of a very considerable Value, yet that the Loss of *these* was far from being the *greatest Damage* he had sustained; that having some Papers of very great Consequence both to his own private Affairs, and some other Matters, which he was apprehensive it was not safe for him to keep by him in London, he sent down a trusty Servant with them, who had lived with him about ten Years, and who was then at the Door; that he gave his said Servant a strict Charge to lodge the said Papers in a strong Chest in a little Closet in an upper Chamber of the House, and to bring away the Key of the Chest she put them in, and likewise the Key of the Closet, and not to trust the said Two Keys even with his own Servant, *Abram Maids*, who had the Keys of every other Room in the House; that his said Servant took a Journey on Purpose from London to his House near Oxford, and assur'd him, when she came back, that she had got the strongest

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and largest Chest in the whole House removed into the said Closet, bought two New Locks, one for the Chest, and the other for the Closet Door; and having left the said Papers under two Locks, brought away the two Keys with her to *London*. He told them, that his Servant had ever since had these Keys in her Custody; that the Chest, and all the *Writings* in it, which were of great Consequence both to his own *private Affairs*, and *otherwise*, were taken away; and that he hoped, as he spoke to *Gentlemen*, they would consider the *uncommon Barbarity* of this Action.

HE concluded with telling them, That he believed he had said much more than enough to convince them, that there could not possibly be a more *notorious Felony*; that he had had the quiet and undisturbed Possession of all the Goods in his House for five or six Years before he was thus robbed of them; that his Enemies never attempted this consummate Piece of Villany, till they thought he was *dying in Confinement*, and would never be able to *complain* to the World: That he conceived there could not be a more evident Sign of the *Guilt* of those three Fellows, who had robbed him, than that the very Moment they heard he was come into the Country, they all three fled from their own Houses and Families, and absconded for some Time: That it was evident, they had always carried off his Goods by *Night*; because, otherwise, some body or other in the Parish must have seen them doing it: That as for their *Fortunes* and *Characters*, he believed he might safely aver, they were not all together worth *five Pounds*: That

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to his own Knowledge, *Piers* was not worth a *Shilling*, if his *just* Debts were paid; and that a *Trick* he had played his *own Mother* many Years since, shewed him capable of any Thing: That the other two were *Day-Labourers*: That he was credibly informed, *Gillman* had a very *bad* Character; and that *Badcock* was one of the most notorious Rogues in the Country, and had been several Times in *Gaol*, which he believed every Gentleman in the Room must know.

Mr. BUDGELL's Examination having taken up about an Hour and half, he was dismissed, as he had been received, with great Civility; and left the Gentlemen of the Grand Jury, as he *then* imagined, *fully* satisfied with the Answer he had given to every Question they had asked him.

*Abraham Maids*, his Servant, was next called before them, who gave them the same Account, which he had given before to his Master, and the Justice; the Substance of which the Readers may see in his *Deposition* in the *Appendix*: He told them, that his Master's House was *well* furnished, and had been under his Care for *several* Years before it was broke open, and robbed; but that within a few Months, before he actually caught *Badcock*, *Piers*, and *Gillman*, the said House had been broke open, and robbed *several* Times, and constantly in the *Night*, as he had the strongest Reasons to believe; of which he had sent his Master a faithful Account in *several* Letters. Being asked, *If he could swear to the Lock in particular, which his Master had mentioned in his Examination*; he replied, That he could very well swear to the Lock, because it was

*bought in Oxford, and his Master with his own Hands gave it to him, and ordered him to put it on the Hall-Door ; which he did accordingly.*

Mr. BUDGELL's Maid Servant was next called in, who gave the Gentlemen of the Jury an Account, That her Master's House near Oxford was well furnished with such Goods as were sent down to it from his House in *Arundel-Street*, and with such other Goods as he had bought in *Oxfordshire* ; but that the said House was now entirely stripped of every Thing ; and that being carried by her Fellow-Servant to a Barn of *Piers's*, which stands in a Field, she looked in through the Boards, and saw a great many of her Master's Goods in the said Barn. She farther told them, That about two Years before, she had been sent down from *London* on purpose to lodge some *Papers*, which her Master told her were of the utmost Consequence to him, in a strong Chest in a little Closet of an upper Room ; that she caused the said Chest to be accordingly removed into the said Closet, put the Papers into it, and a new Lock both to the Chest and Closet-Door ; that she afterwards took away the two Keys with her, which had ever since been in her Custody ; and then she produced the said Keys to the Gentlemen of the Jury.

THE Reader may see her *Affidavit* at length in the *Appendix*.

LASTLY, The Constable, who seized Part of the Goods in *Piers's* House was called in ; who told the Jury, *All he could say, was, That he had seized some of Mr. Budgell's Goods, which he found in Mr. John Piers's House.* Being asked, *How he knew they were Mr. Budgell's Goods?*

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He replied, That *though Piers himself run away ; yet that his Wife, whom they found in the House, owned that the Goods they seized were Mr. Budgell's.*

THIS is the Evidence which was given to the Grand Jury. Upon which I must, and do submit it to *all my Fellow-Subjects*, (since *my Case* may one Day be their *own*.) Whether there ever was a more notorious and wicked Felony ? whether it is possible in Nature, that any Felony can be more fully proved ? and whether ever a Bill before was returned *Ignoramus*, upon such Evidence ? At the same Time, I must repeat once again, That I am well satisfied, no Arts, no Cunning, were omitted to *screen* Piers and his *two Friends* ; and that both his Character and mine were misrepresented to the Gentlemen of the Grand Jury ; who, as I before observed, were so perfectly *Strangers* to me, that I never spoke to one of them, but in the Jury Chamber, nor do at this Hour know their *Names*. I must not omit one Circumstance : No Endeavours were omitted to take off my Servant's Evidence. *Piers's* Attorney questioned him with so much Authority, that the poor Fellow thought he had been a *Justice of the Peace*, and had a *Right* to examine him. He assures me, That he was threatened by more than one Person, that if he *dared* to appear as an Evidence against *Piers* at the Affizes, he should be utterly ruined. The Fellow (which is almost a *Miracle* in these Days) was Proof both against *Threats* and *Promises*, and thought himself obliged to be faithful to a Master, whose Bread he had eat. When he was found to be inflexible, an Action (never once thought of

of before) was actually trumped up against him in *Piers's* Name, and tried at the last Assizes at *Oxford* for a *Trespass*, which, it was pretended, the poor Fellow had committed above *two Years* before this Action was brought. This Method of Proceeding was entirely of a Piece with the Design I have *already* taken notice of, to have indicted me for *Felony*. Though I think I could prove even to a Demonstration, That this *righteous Cause* was assisted with a little *Perjury*, yet even with *this* Assistance, those who set it on Foot, were not able to make any Thing of it. However, it answered *one* Design; which was, to put me to a *new Expence*: I was obliged to defend my poor Servant, who, I saw plainly, was fallen upon for no other Reason, but because he was faithful to me. I leave my Readers to determine whether all these *Law-Suits* could be *created* and *carried* on by *Piers* himself, who, to my certain Knowledge, is not worth *One Shilling*. I must own, I could have heartily wished (for more Reasons than one) that a certain *learned Gentleman* had not appeared, in this *creditable Cause*, a most *zealous Council* for *Piers* the Plaintiff against my poor Servant; especially if what I have heard is true, namely, that the learned Gentleman was pleased to act *gratis* upon this *remarkable* Occasion, or, at least, had no *Fee* given him by *Piers*, his pretended Client.

O Law! O Justice! to what infamous Designs are your most sacred Names too often prostituted!

UPON my being unable to get the Indictment found against the Persons who had robbed my House, I was advised by a certain learned Gentleman,

tleman, with a sort of a *grave Sneer*, to move the Court of King's Bench for an *Information* against them. This, indeed, was finding me more *Employment*, and cutting out *three new Law-Suits* for me: Upon the *Conclusion* of which, I was likely to recover *proper Damages* against three Fellows, who, I believe, all together are not worth *Five Pounds*. Besides, Sir, to tell you the Truth, though they were worth *5000*l.** each, I should have no great Stomach to have a second Tryal for *Damages* at an *Oxford Assizes*: In that Court of Justice, where my *Liberty* has been already valued at *One Farthing*, I think I can hardly expect that my *Property* in all my Goods and Papers should be valued at more than a *Penny*. I shall venture to affirm, That my *Papers* alone are of more Value than all the three Wretches who robbed me of them, were ever worth in their Lives; and would they but restore me *these*, and it was lawful to compound a Felony, I would most willingly give them all my *Goods* to be divided amongst them. I would, indeed, stick at no Charge I could any ways support, in order to recover these Papers: And therefore, some Time after my Return to *London*, consulted a Gentleman, who makes as good a Figure in the King's Bench, and, I believe, understands the Practice of that Court as well as any one Man in *England*, *Whether I could properly move for an Information?* I laid the Affidavits before him, upon which I had some Thoughts of moving the Court. Upon perusing these Affidavits he told me, That my Affidavits proved a great deal *too much*; that they proved a *plain and flagrant Felony*; and that I might depend upon it, my  
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Lord Chief Justice would direct me to prosecute those who had robbed me for *Felony*, and would never grant an *Information* against them. What this Gentleman said, made me lay aside all Thoughts of moving for an *Information*: What he said seemed to me to be perfectly agreeable to JUSTICE and REASON, as well as LAW. I wish I could say the same Thing of the Opinion of every Gentleman, who, with the Assistance of a long *Wig*, and a *formal Face*, has passed upon the World for a most *profound* Lawyer.

You see, Sir, the miserable Situation I am in: I have been most notoriously robbed of my Goods and Writings; yet can neither make those who robbed me appear to be *Felons* in *Oxfordshire*, or to be any Thing but *Felons* in *London*.

I PRESUME you cannot but observe, Sir, by what *Methods* I have been forced to have Recourse to *Courts of Justice*, and after what *Manner* I have been treated in them. I hope I may be allowed to affirm a *plain Fact*, namely, that I have paid *greater Costs*, and received *less Damages*, than ever any *Englishman* did before in the same Circumstances. If you should ask me how I came to be thus made a *Precedent of Severity*, and, as it were, marked out for Destruction? instead of giving you a direct Answer, I beg Leave to tell you one *Story*, which may possibly enable you to guess, whether I really am singled out for Destruction, or not.

I SHALL make no Scruple to tell you this Story, since it can at present do no Injury to an *amiable Nobleman*, who deserved a much better Fate, and much kinder Usage, than he met with; I mean the late Duke of *Portland*.

EVERY



EVERY body knows that Noble Lord lost a vast Estate in the *South-Sea* Affair in the Year 1720. I myself lost above *Twenty thousand Pounds* of my own Money, by that notorious Piece of Villainy: A Villainy, which, notwithstanding all the Arts that have been employed to screen and cover it, will, I hope, still appear to the World in a clearer and a truer Light than it was ever yet shewn. My Misfortunes in the fatal Year 1720. brought me acquainted with the late Duke of *Portland*. At his Grace's Request I wrote several Things in behalf of the unhappy Sufferers by the *South-Sea* Scheme; and was, in particular, the Author of those REASONS which were delivered to the Members of Parliament at the Door of the House of Commons, and were generally thought to have occasioned that Act, which afterward passed for *Annulling fraudulent and usurious Contracts*.

My Lord Duke, in Compassion to his *Fellow-Sufferers*, caused the several Pieces I wrote to be printed and dispersed at his own Expence. I was obliged to talk with him frequently upon these Occasions; and his Grace at last conceived so kind an Opinion of me, that he commanded me to let him see me every Day, and usually made me dine with him three or four Times every Week. While I lived in this Manner with this great and amiable Man, he was appointed Governor of *Jamaica* by the late King. Soon after his Warrant was signed, his Grace took me one Morning into a private Room, and with as sweet and as obliging an Air as ever Man spoke, told me, *He was now fixed in the Government of Jamaica: But though it was a Post he himself had*  
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*desired the King to grant him, he should not be easy, unless I would promise to go with him as his Secretary : That he knew very well I had formerly been in a much bigger Post than what he now offered me ; but that I might depend upon it, there was no other Post in Jamaica in his Power to dispose of, which he would not readily add to it : That he proposed to have me constantly with him ; and that I should look upon his House and Table as my own ; for that he resolved to live with me not as a Master, but as a most intimate Friend, and as if I was his own Brother.*

I WAS a good deal surprized at this Proposal, as it was altogether *new* to me, and what I had never so much as once thought of. I told his Grace, That *though I found myself infinitely obliged to him, I hoped he would give me two or three Days to consider of what he had said.* The Duke granted my Request ; but told me, that *he hoped, the more I considered of it, the better I would like it ; for that I might depend upon it, I should find him better than his Word in every Thing he had promised.* I had a particular Reason to desire some Time to consider of his Proposal ; I knew my Lady Dutchess was resolved to go with her beloved Consort. He had often spoke to me with the highest Admiration (and I had myself in some measure been a *Witness*) of the generous Behaviour of this incomparable Lady : She had never once reproached the Duke with his Conduct since his Misfortunes : Her Behaviour, if possible, was rather more *endearing* and submissive than before : She had offered to reduce her own and her Childrens Expences within such Limits as I am ashamed to mention : Though by her Birth  
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and Quality she was inferior to very few Women in *England*, she had never thought her self above minding her Family Affairs : On the contrary, she had put all Things in her House upon as regular a Foot, and over-looked every Thing with as much Care as could have been expected from her, had she been born a private Gentlewoman. I conceived, therefore, that such a *Wife* had an undoubted *Right* to have no Man taken into her Family (especially upon such a Foot as the Duke proposed to receive me) whom she did not like ; and I resolved not to accept of the Proposal his Grace had made me, till I was sure my Lady Dutchess approved of it. Having Reason to believe, a few Days after, that my coming into the Family would not be disagreeable to her Grace, I told the Duke, that *there was not a great Man in England besides himself, with whom I would venture to take a Leap into another World ; but that I thought I knew his Grace, his Humour, and his Way of living, so perfectly well, that I was come to a Resolution to follow his Fortunes wherever he went, and to devote all my poor Capacity entirely to his Service.* The Duke received my Declaration in the most obliging Manner. From this Time I thought my self perfectly happy in a *Master* ; and his Grace did me the *Justice* to believe, that he had a *Servant* who sincerely loved and esteemed him, and was thoroughly attached to his Interests. I made it my Business to talk with several *Jamaica* Merchants, to learn all I could relating to the Place, and even flattered my self that I had hit upon something which at a proper Time would have been both for his Majesty's Service, and the Interest of my Lord Duke and

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that Island. His Grace, who was now firmly resolved to go where his *Fate* seemed to call him, (as the Motto \* he assumed declared,) communicated to me every Day some of the Preparations he was making for his Voyage; when, to his infinite Surprise, a *Secretary of State* was sent to him, to acquaint him, in the King's Name, That he might take any Man in *England* for his Secretary, except Mr. *Budgell*; but that he must not take me. I think I have been fully informed who it was that caused this Message to be sent; and I take this publick Opportunity to tell him, whoever he was, That the Action was *base, wicked, and cruel*. Nothing can more fully expose the *Meanness* of it, than that while he was misrepresenting me to my King, (who had before a very good Opinion of me,) he was still making Professions of *Friendship* to me, though I no longer visited him as I used to do. I should be glad to know, Whether, when I was in *publick Posts*, my refusing to receive even the *legal Fees* of those *Posts*, and such *Presents* as the Government offered me, was so bad, so dangerous a *Precedent*, as to disqualify me from ever serving my Country again? If the *Person* who caused this Message to be sent, had acted in the same Manner, there would not indeed have been that *immense Difference* between our Fortunes, which there is at present. I could tell him a Time, when that Difference was not altogether so great. He knows I know him: I am sensible that my having been conversant in a good deal

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Quò fata vocant.



deal of *Business*, my speaking and writing more Languages than *one*; and having been in several foreign Countries, where I made the best Observations I could upon their *Interests* and *Government*; I say, I am sensible, *these* are *Crimes* he never can *pardon*. I am, therefore, as little capable of *asking* him for a Favour, as he is of *granting* it. But though the several *Faults* I have mentioned, may, in his Opinion, be of the *blackest Dye*, I would intreat him to consider, whether it is not carrying his noble Resentments a very great Length, to prevent any other Man's doing me a Kindness, who may possibly think my *Crimes* not altogether so *unpardonable* as he does.

THE Duke of Portland, who conceived he had an undoubted *Right* to chuse his own *Secretary*, was not a little shocked at the *Message* above mentioned; and, I have Reasons to think, would have shewn his *Resentment*, if I had not earnestly entreated him not to do so. I told his Grace that I could never have imagined a *certain Man* would have descended to an Action so very *mean* and *low*; but that since he was capable of *this*, his Grace might depend upon it, That if he took me with him, he would be *ill* used upon my Account: I therefore conjured him to think no more of it, but to make *another Choice*. I cannot, however, help saying in this Place, That, in my humble Opinion, the Pleasure a *certain noble Person* took in a *cruel Action*, got the better of his *Judgment* and *Discretion*. I should have thought he might have been pretty well satisfied to see, that finding he had broke all the *solemn Promises* he had made me, and was without any just

just Reason become my implacable Enemy, I was flying from my native Country to *another World*; from whence, it is highly probable, I should never have returned. I have some Reason to believe, That upon *second Thoughts* he found himself in the Wrong; since I had an Intimation given me, That upon an humble Application, the Opposition to my going with the Duke might perhaps be removed; But I thought this *seeming Change* a little too quick. After what I had seen, I was afraid his Grace would be used ill upon my Account, which, I resolved, should never happen; and I began to reflect how I my self might be treated, if a certain Person, who I knew had *long Hands*, could now get me into so remote a Part of the World as *Jamaica*.

IN this Manner, Sir, was I torn from the late Duke of *Portland*: His Grace found it impracticable to take me with him in the Post he had designed for me; yet could not part with a *faithful Servant*, who, he was satisfied, had a most sincere and tender Regard for his Honour and Interest, without shedding a few *Tears*. So lively a Mark of his Affection, made it impossible for me not to imitate him; and not to think my self more than paid for the firm Resolution I had taken to have served him to the utmost of my Power and Capacity.

HE made Choice of a Gentleman in my Room, who (though an honest worthy Man) was extremely *indolent*, and, in a Word, no Way proper for a Post of Business.

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THE unhappy Duke, when he came to *Jamaica*, was obliged to take the Drudgery upon himself of making his own Dispatches; and even to draw up, with his own Hand, those long and tedious *Accounts* and *Remonstrances* which he was obliged to transmit to *England*, relating to several Affairs, not easy to be explained, and set in a full Light.

IF (as some People think) his Heart was broke with the unkind *Usage* he met with, while he was on this Side the Water, and after he got to *Jamaica*, a certain Person has a good deal to answer for.

HAVING so often mentioned the late Duke of *Portland*, in the preceding Story, I shall in this Place, say something of a Man whom I knew thoroughly, and in whose Character, I will venture to say, the Generality of the World was a little deceived.

THE late Duke of *Portland* was allowed to have been the handsomest Man in *England*; and was, indeed, the finest Person of a Man (except one) I ever yet laid my Eyes upon. He was a perfect Master of all his Exercises; of Riding, Fencing, Dancing, &c. and was consequently a very proper Ornament for all the shewish Part of a Court: His *Presence* gave a particular Lustre to all Balls, Assemblies, and publick Ceremonies: He was therefore constantly desired to appear at them, and was not of himself averse to it. This made him generally looked upon in no other Character than as a *Man of Pleasure*; and gave the World no great Opinion either of his Parts, Learning, or Capacity for Business. I must confess, I looked upon him in the same Light with other People, till I had the Honour  
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to be intimately acquainted with him: But then, I soon found my self very agreeably mistaken. The late Duke of Portland was what I shall venture to call a good Scholar: He understood Latin and Italian, and spoke two other Languages (namely French and Dutch) as well as English. I have seen him more than once write a very handsome Letter upon a Subject sufficiently delicate: He wrote a very good Hand, and spelt correctly. If any of my Readers should Smile, at my taking Notice that he wrote a good Hand, and could spell English; I beg Leave to inform them, that I have known a Secretary of State who could do neither. He had a good Taste in Musick and Painting, and no bad one in Architecture and Gardening. His Fortune was inferior to few Mens in England; and there was a certain Magnificence and Splendor kept up in his Family, much superior to what I have seen in the Palaces of many a sovereign Prince.

NOTWITHSTANDING this, by the Care of his excellent Lady, such a Regularity and OEconomy was observed in all his Expences, that his Private Fortune was never hurt till the fatal Year 1720. He bore his Losses in that Year like a Philosopher; and would even sometimes, with a good deal of Humour, give an Account of the wicked Arts that had been used to ruin him. His Table was perfectly elegant; yet was he himself guilty of no Excess. His Reason was never once disturbed by Wine; and he so much detested those low Scenes of Lowdness with which many of our Nobility are delighted, that he has often assured me, he was never in all his Life in a publick Brothel. He had an infinite Fund of

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Good Humour; and in Company was ever Gay, Polite, and Cheerful: He furnished his Quota in *Conversation*; and was never better pleased, than when it turned upon something that was *useful*, as well as *diverting*. He had a *noble Generosity* in his Temper, and knew perfectly well how to add to a *Favour*, by the *Manner* of conferring it. The Magnificence amidst which he had been educated, and the *vast* Fortune which fell to him upon his Father's Death, prevented his engaging in *publick Business* till after the Year 1720: But in his Government of *Jamaica*, all about him were amazed to see his *Application to Business*, and how very *capable* he was of it. I have already observed, that he drew up most of his *Letters* and *Dispatches* with his *own* Hand; and I have been credibly informed, that no Governor of *Jamaica* ever gave more Satisfaction in *Hearing* and *Determining* all such *Causes* as were brought before him. He had, indeed, the two great Qualifications which every Colony ought to desire in their Chief *Judge* and *Magistrate*: He was neither *partial* nor *corrupt*; so that I am very well assured, the Memory of himself, and that excellent Lady his Dutcheß, (whom the Merchants in *Jamaica* would frequently recommend as a Pattern to their own Wives,) will be always dear to the Inhabitants of that Island. His Grace was far from attaining the End he proposed in going to *Jamaica*, viz. to retrieve his Losses in the Year 1720. He knew not what it was to live in a *mean* Figure, and was incapable of *fleeing* the People committed to his Charge. His pri-

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*vast Fortune*, after he went there, was *hurt* by an Affair in which he engaged a little too hastily; and, if I am rightly informed, from a high *Puncto of Honour*, he refused to meddle with a certain Business, which, if dexterously managed, might have proved vastly advantageous to himself, the Publick, and the Crown. I cannot help adding, That he deserved a little kinder Usage than he met with in the Reign of a Prince of the House of *Hanover*, to which Illustrious Family he had given the strongest Proofs of an hearty Zeal and Attachment. As a Consolation to his Misfortunes, Providence thought fit to bless him with several *hopeful Children*, and, in particular, with a Son, whose *fine Understanding*, improved by *Learning*, and the *Observations* he has made in his *Travels*, seems to promise that he will one Day be the Ornament and *Delight* of his native Country.

PARDON me, Sir, for paying this *just*, but *small Tribute* to the *Memory* of a great Man, who would have done all in his Power to have rendered my Circumstances easy, and Life agreeable; had he not been prevented by a most uncommon Instance of *mean Envy*, and *implacable Malice*.

I BELIEVE the Story I have told you, will abundantly convince you, whether I am, or am not singled out to be made a *Precedent of Cruelty and Severity*. We are told every Day, by a certain Set of Writers, That we live in a Country where our *Liberties and Properties* are secured to us in the most effectual Manner; where Justice is impartially administered; and where it is not in the Power of the greatest Man to oppress the meanest.

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My *Liberty* has been valued at *One Farthing*; and though I am robbed of my *Property*, I am neither able to *recover* it, nor to bring the Offenders to *Justice*. In short, I beg leave to repeat once again, That I have paid *greater Costs*, and received *less Damages*, than ever any *Englishman* did before in the same Circumstances. If this has happened without the Intervention of an *Hand of Power*, I hope I may at least have leave to say, that I am a very *unfortunate Man*; but if any *one Person* (let him be who he will) has Influence enough to be the *Cause* of such Proceedings, I leave my Readers to judge in how blessed a Condition the *Life*, the *Liberty*, and the *Property* of every Man in *England* is, except that *one Person's*.

If you ask, For what Reason I have been treated thus? I will venture to assure you, That it is for no *Crime* I ever committed, either against my *King*, or my *Country*. I will go a little farther; and give you a few Reasons why I humbly conceive, I have deserved a *milder Treatment*: While I am thus groaning under an unusual Load of *Cruelty* and *Oppression*, I hope my Readers will have good Nature enough to excuse my saying *some Things* which would, perhaps, look too *vain*, if they were not *thus* extorted from me.

THE late Mr. *Addison*, to my certain Knowledge, performed at least as great, and as important Services for the House of *Hanover*, as any *one Man* now living. Besides this, his Writings of different Kinds have rendered his *Name* celebrated and *Illustrious* over all *Europe*. To this *great Man*, I am the nearest Male Relation now

living: I owe Part of my Education to him; and in Conjunction with himself, and Sir Richard Steele, wrote the *SPECTATORS*. This Work has been translated into most *European* Languages, and is no where thought a *Disgrace* to our Nation. I was at *Paris* since the *Spectators* appeared in *French*; and wherever I was known to have had a Part in them, was received by Persons of the First Rank, among that Polite and Generous Nation, after a Manner which I had never *Vanity enough* (though, perhaps, *every Man has some*) to think I merited. Let all the *learned World* give the *French Nation* those Praises which are justly due to them. *Lewis* the Fourteenth (as *bloody* and as *inhuman* a *Tyrant*, as we were pleased to represent him) had, at least the *Humanity*, or the *Good Sense*, to be a Friend and Patron to *Men of Letters*: He not only gave daily Instances of this among his own Subjects: He extended his Generosity even to learned *Foreigners*: He caused our Countryman Sir *Isaac Newton*, to be elected a Member of the *French Academy*. At the same Time, he settled a Pension upon him; and, I am told, caused this Pension to be constantly paid him during the late War. If this is true, I will venture to say, This single Action will appear greater in the Eyes of Posterity, than all the Actions put together in the Reigns of some Princes. We were lately informed in our News-Papers, That Mr. *Voltaire* was courted and caressed, even by the Princes of the Blood at the *French Court*, for the Genius he has shewn in his *Life of the late King of Sweden*. A Man must, indeed, be very blind, who cannot see great Beauties in that Piece; yet, was  
this



this very Piece fallen upon by our *Ministerial Writers*; and my *Memoirs of the Family of the Boyles* happening to be published about the same Time, I had the *Honour*, (for such I really esteem it,) to be abused in the same Paper with Mr. *Voltaire*. We are introduced in a Dialogue: The Scene is my Lodgings; where Mr. *Voltaire* and I are supposed to acquaint one another, in great *Confidance*, that we are a Couple of *Fools*, and *Blockheads*. However mean the Figure may be, which I have made in the *learned World*, I will venture to affirm, That there is but *One* Government in all *Europe*, under which I might not receive that *Protection* which the Laws afford to every other Man.

You may possibly imagine, Sir, from the Usage I meet with, that I have been found engaged in some *Plot*, and have been a *Traytor* to his present Majesty: But I do assure you, this is so far from being the Case, that I have done some *Services* both to the *late King*, and his *present Majesty*. The inhuman Treatment I have met with, forces me to say a little more: These *Services* have not been of a *common* or *vulgar* Nature; they have been *Services* of the *utmost* *Consequence*, and the *bighest* *Importance*. Should these Lines happen to fall under the Eye of her most Sacred Majesty, the present Guardian of these Kingdoms, and she should think me a little too hardy in what I now assert, I am ready to give her Majesty convincing Proofs, either in a private Audience, or in a full Privy Council, that I speak *Truth*. Having named the Queen, I beg leave to add, That I am well assured, both her Sex, and her own good Nature, must render her

her an Enemy to all Cruelties. I am as firmly convinced, that her illustrious Consort can have nothing in his Temper that is Cruel, because Mercy and Generosity are the constant Inhabitants of a brave Mind. I hope, therefore, nothing I have said can possibly be interpreted into what, I am sure, I never intended, viz. the least Reflection upon either of their Majesties.

HAVING, I hope, given sufficient Proofs of my Loyalty to their Majesties, though I can by no Means agree with a Set of Writers, who talk of a Loyalty, which is due from us to Ministers, yet I will venture to assert, That I have given several Instances of a most sincere and hearty Affection for our present excellent First Minister: I am at this very Time a worse Man by at least Ten thousand Pounds, than I should otherwise have been, for my having done him one particular Piece of Service: If a Multitude of other Affairs should have made him forget it, I am ready to refresh his Memory before any Number of his own Friends: I confess, that when I thus served him, he was neither quite so Great, or so Rich, as he is at present; but by a grateful Man (as he has ever shewn himself) those Services were never thought the least meritorious, which have been rendered to him under his greatest Difficulties.

WHEN I came up to Town from the last Oxford Assizes, and found that I could neither bring those Persons who had robbed my House to a legal Trial, nor get a Search-Warrant for my Goods, though I tried more Ways than one, and could prove where a good Part of them lay by the positive Affidavits of three several Persons: I say, Sir, when I found this, I came up to  
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Town with a full Resolution to have laid my deplorable Case before the *British* Parliament, and to have flung myself at the Feet, and have implored the *Protection* of those great CONSERVATORS of LIBERTY and PROPERTY. To this End, I actually talked with some Members of your House ; but found their Session was drawing to a Conclusion ; that several Members were already gone into the Country ; and that the remaining Part were taken up upon an *Affair* truly worthy the Attention of Patriots, I mean the *Affair* of the *Charitable Corporation*. While, with a Zeal worthy of yourselves, you were doing Justice to a *Multitude* of unhappy and deluded People, I could not reasonably desire or expect you should hearken to the Complaints of *one single Wretch*, however just they might appear to be.

PURSUE, Sir, the glorious Path you are in ; shew yourselves the true Representatives of the People of *England* : Protect the Innocent, and punish such Offenders, as are much too big to be managed by our common Courts of Justice. May all Endeavours to *screen* them prove ineffectual : May your House be put upon no *wrong Scents*, nor artfully led out of the *Way*. In a Word, when at your next Session you are enquiring into this Scene of Iniquity, may you not be served like your late *Committee* for *inspecting Gaols*. I have strong Reasons to believe, that those Gentlemen were within an Hair's Breadth of making such *Discoveries*, as would have justly intitled them to have had their *Statues* erected at the Expence of their Country. The *English* Nation will never despair of having their *Grievances* redressed, while their Parliament is *free and uncorrupted* :

But

But should a *wicked Minister*, which Heaven avert, ever be able to secure a *corrupt Majority* in your House, then, Sir, then should we be *truly Slaves*; I will venture to say, we should be even *more wretched Slaves* than those who live under the most absolute Monarchy. The Reason is plain: A People had much better satisfy the *Avarice* and *Ambition* of *one Tyrant*, than of *three hundred*. The *Athenian State* was much more happy under the Government of *Pisistratus*, than under that of the *thirty Tyrants*. Our Parliament is our highest Court of Judicature; and should the *Fountain* ever be corrupted, what must become of all the inferior *Streams*? what *Designs* carried on under the *Mask* of *Justice*? what *scandalous Partialities* might we not then expect? I shall venture to assert, That should the *Laws of England* ever be turned into *Back-Swords*, I mean, should they be made to cut, wound, and destroy only *on one Side*, we should be a much happier Nation, if we had *none* at all. The People of *England* have been ever so fond of a *Parliament*, that we may properly enough call it their *Mistress*; yet, give me Leave to observe, Sir, That when we have a violent *Passion* for any one Object, our *Love* is usually mixed with a little *Jealousy*. With respect to the *King*, the Parliament may properly be called his *Political Wife*. It is not therefore sufficient she should be barely CHASTE; but, *The Wife of Cæsar ought not to be SUSPECTED*. For these Reasons, I believe, Sir, I may venture to assure you, That *Forty-nine Parts in Fifty* of your Fellow-Subjects, who have no *Places* or *Pensions* themselves, do most earnestly wish to  
see



see the *Pension Bill* pass. I have heard you more than once allow this excellent Bill to be absolutely *necessary* for the Preservation of our *Constitution*. Your Behaviour in Parliament on this, and every other Occasion, has given you an indisputable Right to the glorious Title of a *Friend to your Country*. I have no mean Opinion of your *Integrity* or *Abilities*, yet, give me Leave to say, Sir, That notwithstanding the Love and Esteem I have for you, my Respect for a *British Parliament* is so much superior to all *private* Considerations, that I heartily wish you was the most *worthless Member* in the whole *House of Commons*.

I HAVE Reasons to believe, that at your *next Meeting*, such a *Scene* will be opened, and such *Particulars* laid before you, as will require your utmost Attention. Possibly, as wretched a Creature as I am, I may be a mean Instrument of placing some certain *Facts* in their *true Light*. I will go a little farther: My *Papers* have been twice seized and rifled after a most wicked and unprecedented Manner; notwithstanding which, should your House think it not beneath them to bear an unhappy Wretch, (who by a *certain Person*, and his *Adherents*, has been confidently reported to be a *Madman*,) I humbly hope, I have SOMETHING to offer to them, worthy the Consideration of the Representatives of their Country. To be plain, Sir, I am come to a certain Resolution, which I believe I shall keep, if I am not by some Means or other *sent out of the World* before your next Meeting. My *last Expression* may, perhaps, a little surprize you; I shall therefore, without Ceremony, and without Comment, tell you the *Meaning* of it.

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My Friends (some of whom are Men of much better Judgment than myself) do think, that since a *certain Affair*, which made some *Noise* in the World, there have been *two several Attempts* to have murdered me in my *Bed*. The plain *Matter of Fact* stands thus :

ABOUT *Christmas* last was Twelvemonth, about Two a Clock in the Morning, I was awakened by a *Noise* at my Chamber-Door : The *Noise* was like that of a *Key* turning round in a *Lock*, which did not belong to it ; and I really thought, that my Maid-Servant wanted something in the Room, and might have mistaken the *Key*. But upon my calling out, *Who is there ?* instead of receiving any Answer, the most violent Efforts were made to have broke open the Door. I thought it now high Time to knock, and alarm the House, which I did ; and when those who lay over me, began to stir, I heard the Fellow, who was at my Chamber-Door, trip up Stairs, where, by what afterwards happened, I have Reason to believe he got out of a Door in the Garret which opened upon the Leads of the House. I cannot pretend to guess at the Villain, only I had observed, that the Day before this Accident happened, I had been dogged for several Hours together, by a Fellow in a blue Rug Coat ; and once, when I turned back to look at him, the Wind blowing open his great blue Coat, I saw he wore under it a sort of *Frock* with *Metal-Buttons* ; and I thought, that in the Efforts which that Villain made, who endeavoured to break open my Chamber-Door, I plainly heard his *Metal-Buttons* grate against the Door,

Door, and an adjoining Wainscot. However, whether this Fellow and he who dogged me, were one and the same Man, I am not able to say.

I MADE NO *Noise* of this Affair; yet could not forbear making my own *Reflections* upon it. That I might not be altogether wanting to my self, I took care from this Time to have a Light, or Lights, constantly burning all Night in my Chamber, which I never had before. I resolved likewise to get some Man to lie upon the same Floor with me. I pretended I wanted a Servant. Upon which, one who had formerly lived with me several Years, but was then a Housekeeper, recommended to me a lusty young Fellow, a Relation of his own. My old Servant passed his Word for the young Fellow's Honesty: But desired he might not wear a *Livery*, because his Father was a very substantial Farmer, and he himself actually Heir to an Estate of *Fourscore Pounds per Annum*. I ordered a Table-Bed to be put in that Room which was attempted to be broke open, and made this young Fellow lie in it. I told him nothing of the former Attempt, that he might not be under any Apprehension. Every Thing was quiet for about six Weeks: But at the End of that Time, about Three in the Morning, the same Villain, as I imagine, who made the former Attempt, came again. He was now so much improved in the Art of picking a Lock, that he got into the Room where my Servant lay, adjoining to my own, without making any Noise. However, as I happened to be awake, I heard some body stalking about the Room. I took it for granted, that it was my own Man,

who might want something in the Night, which he could not readily find ; but was sufficiently alarmed, when I heard the Fellow jump out of Bed, and cry out, *Who are you, Sir ? What do you do here ? What do you want ?* I immediately leaped out of Bed with my drawn Sword in my Hand, which lay constantly by me, and flew into the Dining-Room. I attempted to have opened the Door, which was next the Stairs : If I could have opened this Door, my Man and I should have had the Villain between us, and might probably have given a good Account of him : But I found the Door unfortunately locked. The Maid-Servant, who every Day lighted my Fire, had locked the Door, and taken the Key up with her. I tried in vain to break it open. All I could do in this Extremity was, to call out to my Servant to bid him fear nothing, for that I was coming to him, and to order him to *fire upon the Villain*, though, God knows, the poor Fellow had no Fire-Arms. At the same Time, instead of crying, *Murder*, which I thought might keep Folks in their Beds, I cried out, with all my Might, *Fire ! Fire !* This soon alarmed every body in the House. The Villain finding the Family was getting up, thought it high Time to retreat. He ran up Stairs, and (as we afterwards discovered) got out of a little Door which opens upon the Leads of the House. We found this little Door open, and another Door in the Garret leading to it, and which is constantly shut at Night, (however it happened,) was *now* likewise wide open. My Man told me, That as soon as ever he saw the Villain in his Room, he sprung out of Bed, and caught up



up a Chair in his Hand, which was all he had to defend himself: That the Villain upon this retired back two or three Steps, and stood still a good while with a Pistol in his Hand, but without firing, or striking at him; till at last, upon the Noise I made, he went out at the Chamber-Door, which he had just before opened, ran up to the Garret, and made his Escape over the Leads in the Manner I have mentioned. Upon talking with the People of the House, who were all of them alarmed at this last Attempt, I found, that the Villain, in all Probability, had been once in the House, to see *how the Ground lay* before he made his *first* Attempt to break open my Chamber-Door. Every body in the House (except myself) heard a Man, one Night before that Attempt, go down from the Garret; and after he had staid some little Time, trip up Stairs again into the Garret.

ALL my Friends, who gave themselves the Trouble to talk with my Servant, (which some of them did,) are of Opinion, That the Villain could have no other Design, than to have murdered me. It is pretty evident, indeed, that he did not come to Steal: I am assured, that in the Garret through which he came, there was a great Quantity of Linen, and of a considerable Value; but that none of it was found missing. Besides, when he was in the House, he might with the utmost Ease have robbed all the Ground Floor, where no body lay, and which belongs to a substantial Tradesman, who had several *Things of Value* there: Whereas the Villain could have taken nothing from me (except my *Life*) but a few Books and Papers. My Friends are all convinced, that

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his Behaviour in my Man's Room proceeded from the Surprize he was under, when he found *another Person* in the Chamber, where he expected to have found *me*. They likewise lay some Strefs upon a *particular Circumstance*: A Day or two before the first Attempt was made upon my Chamber-Door, a little *Italian Grey-bound* was stolen from me, which had been with me several Years before, used constantly to lie under my Bed, and would fall a barking upon the least Noise. I should not have mentioned this Circumstance, if I had not heard or read some where of an *Harlequin Dog*, who discovered an *horrid and bloody Plot* to have destroyed *Three Kingdoms*. For my own Part, I must ingenuously confess, I do not well know what to think of this whole Affair. I have only related *Matters of Fact*: I cannot help saying, That some *Circumstances* do look a little *odd*; yet, far be it from me to charge the *greatest Enemy* I have in the World, with having any Hand in so *Black* an Attempt, unless I could fully *prove* it upon him. Since this last Attempt, I have got some Fire-Arms, and never go to Bed without two *Brace* of Pistols loaded by me: I have likewise taken some other Precautions, and should endeavour to sell my Life as dear as I could, if it is ever pursued again after this Manner.

I HAVE often found myself dogged for an whole Day together, sometimes by *one Man*, and sometimes by *two*: I thought it *proper* enough to acquaint a certain Person, whom I went to see one Day, that *I had left my Equipage in the Street*, for that *I had been followed all the Morning by two Fellows*, who were at that Time not far from his Door.

*Deor.* He immediately replied, *I don't care who knows you visit me. I assure you, Sir, if you are not ashamed of my Acquaintance, I am not ashamed of yours.* So generous an Answer from a Person so much my Superior, made me almost ashamed that I had told him I was dogged. If those Gentlemen, who still do me the Honour to follow me now, and then, or to watch my Door for a whole Day together, mean nothing more, than to find out what Persons I see, I do hereby assure them, that they are heartily welcome to make the best of their *Discoveries*.

I HOPE, Sir, I have said enough to convince you that I have not complained without being *Hurt*; and that my having been so long *Silent*, and never till now entering into *Particulars*, is some Proof that I have a tolerable Stock of *Patience*, especially for a *Madman*. I beg Leave, however, to assure you, That you do me a great deal of Injustice, if you imagine I have now said all that I could say. I could tell you how I have been flung into a *Prison*, and kept there *some Years* for a Debt, *pretended* to be due to a certain Person, to whom I do not owe *one Farthing*; but who, on the contrary, if a *currant Account* between us was fairly *ballanced*, (which *Account* I have more than once offered in open Court in Chancery to refer to any indifferent Persons,) is some *Hundreds of Pounds* in my Debt. I could tell you how an old Bond, given *twenty Years* since, and paid off above *twelve Years* since, has been trumped up against me, not by the *Person* to whom I gave it, but by a certain *Captain*, into whose Hands it fell by an *unlucky Accident*. I could tell you *some Proceedings* in this Case,

Case, which I hope and believe are without a *Precedent*.

I COULD tell you how, when I was *extremely ill*, and upon the *very Day* I had taken *Physick*, I was dragged by a *Tipstaff* by *Force* out of my own Lodgings, and in my Morning-Gown, to the *Court of Chancery*, though there was no more *Occasion* for my Appearance in that Court, than there is at this Time for yours. I could tell you, that my Lord Chancellor (to give him his Due) seemed thoroughly shocked at this most *infamous* and *unprecedented* Piece of *Barbarity*. I could tell you, and truly too, that I look upon it as done with a Design to have *murdered* me; and that it had very near compleated that Design: Upon my Return to my Lodgings, I fell into such a *Fit* as I *never* was seized with till *that Day*, and which those about me thought would have carried me off. I could tell you many other Things. In short, Sir, if you are a little surprized at some Particulars in the preceding Sheets, how much greater would your Surprise be, should I draw up the *Curtain* entirely, and present to your View a *certain Scene*, which I could lay open? But I hope I have lived long enough in the World to observe that excellent Precept given us in an old plain *English* Proverb, namely, That *Truth is not to be spoke at all Times*; and to know, that there are some Truths, especially of such a Kind, that they will infallibly lose their *Force*, if they are not reserved for a *proper Time*; and a *proper Place*. The cruel *Persecution* and *Oppressions* I have struggled under for these *Ten Years* last past, have made *Death* infinitely preferable to such a *Life*



as I have led. I hope I am not afraid to *die*; and I believe there is no Man of any *Spirit*, who in the *like* Circumstances would not have put an End to his *Life*; could he have been assured, that his *Afflictions* would have ended with it. I must own, I am not quite so *clear* upon the Subject of *Suicide*, as several great and good Men have declared themselves to be; yet, if I ever lay under any Temptation to have committed it, I have been withheld from it by *two* Reasons: If it be a Crime, it is such a one, as it is scarce possible to repent of; and this Circumstance, which is almost peculiar to this very Action, must, methinks, have a good deal of Weight with every thinking Man.

THERE is another Reason, which, though a mere Trifle, if compared to the former, I cannot deny had some little Weight with me.

I HAVE Grounds to believe, that a certain Person has used his utmost Endeavours to drive me to this very Action; that he once *hoped*, and even *expected* every Day to hear that I had committed it: And I will not assert, but that a Resolution I have taken, never more to endeavour to *please* this Person, may have had its Weight in making me not altogether weary of Life. I hope, however, I shall never put too great a Value upon it. And though the *King of Sparta* should *once more* call me a *Desperado* in Print, I shall *once more* repeat those *very Words* which induced his *Spartan Majesty* formerly to be so severe upon me, *viz.* "That Did I but know how to lay down my Life for the real Service of my poor Country, you should soon see how little I would hesitate to part with it."

I HAVE already hinted, that I am not without Hopes of being a mean Instrument of doing my Country some little *Service* at your next Meeting: Yet, if my promising to reveal *nothing* which was ever said to me under the *Soul of Friendship*, is sufficient to make a certain Person *Easy*, he may be *Easy*. There are some *certain Measures*, which, under all Events and the utmost Provocation, I am determined to keep, not for *his* sake, but my *own*. Give me leave to add, Sir, that I find there is a general Expectation from your next Session. I believe the Voice, and Cries of the whole Kingdom either have, or will let you know, what it is they expect from you: And I dare say you will agree with me, that nothing can be more monstrous than to imagine that the *Representatives of a People* will act directly contrary to the *Wishes and Inclinations* of that People whom they represent.

ONE of the first Things you will probably go upon, will be to take the *State of the Nation* into your Consideration. Our present Condition is represented to us in a very different Light by two Sets of Writers.

WE are told by one Set of Writers, That the *British Nation* was never in so happy and flourishing a Condition as now: That the *Glory of England* is arrived to the highest Pitch, under the Administration of our present excellent Minister: That Trade and Commerce were never before settled upon so happy a Foot: That we are beloved by our Allies, feared by our Enemies, and respected by all the World: That we have nothing to do, but to sit down every Man under his own

own Fig-Tree, and quietly enjoy all those Blessings which our great Minister is daily procuring for us: That we ourselves may sleep, and take our Rest, since his Eyes are ever open, and his Head constantly employed to remove every Danger that can possibly threaten us: That with a disinterested Generosity, which cannot be too much commended, he is pleased to prefer our Ease and Happiness to his own: That the only Thing we have to take care of, is, that we do not fall into too much Luxury amidst the present Affluence and Plenty of Money: That we live in an Age and Country where *Liberty* is in its Ascendant: That we are the only happy Nation in *Europe*, who have it in as high Perfection as human Nature is capable of enjoying: That every Man's *Property* is rendered sure to him by the best Laws, which were ever composed, and is as *Secure* as any Thing can be made in this World: That *Justice* is in all Cases so *Impartially* administered, that the *Greatest* Man among us is not able to oppress the *Meanest*.

ANOTHER Set of Writers maliciously insinuate, That from being very lately a *Terror* to all our Enemies, and holding the Ballance of *Europe*, we are become the Jest, the Scorn, the Contempt, and the Derision of every Nation round about us: That our *Trade* (the very *Soul* of our Nation)<sup>19</sup> is decayed, and decaying in all its Branches; and that it will hardly be possible for us to take it out of those new Canals into which it is lately fallen: That our first Minister is so far from being qualified for his Post, that he understands nothing at all of foreign Affairs: That he is so far from being a Master of *Languages*, that he cannot even

speak *French* : That the strongest Passions in him  
 are the *Love of Money*, and a *mean Jealousy* of  
 every Man who has those Qualifications he wants  
 himself : That Millions of People have lost either  
 their *Friends* or their *Fortunes* by his pernicious  
 Measures : That he has taken much more Care  
 of *himself* and his *Relations*, than of the *Pub-  
 lick* : That while the Nation in general is groan-  
 ing under *Poverty* and *Oppression* ; while our Mer-  
 chants Ships are daily taken, our Colonies decay-  
 ing, our Tradesmen becoming Bankrupts, our  
 Farmers unable to pay their Rent, and our Streets  
 filled with Beggars, there are *two* or *three Fa-  
 milies* who are daily acquiring and hoarding up  
 such immense Sums, as must in a few Years stop  
 even the Circulation of our Money : That though  
 our Prince himself has a thousand great and no-  
 ble Qualities in him, yet that his People are  
 prevented from receiving the Influence of them,  
 by this Minister's interposing and hanging like a  
*black Cloud* between *them* and their *King* : That  
 he and his Creatures have found a Way to pre-  
 vent the just Complaints of his Majesty's Subjects  
 from reaching his royal Ear : That the whole Ad-  
 ministration of this same Minister has been no-  
 thing else but *Blunder* upon *Blunder* ; and that all  
 his *Politicks* may be comprised in one single Word,  
*viz.* CORRUPTION : That the People are bur-  
 thened with heavy Taxes, and a standing Army ;  
 and their Debts not lessened in a Time of Peace :  
 That tho' no People have the *Word* LIBERTY  
 more in their Mouths ; no People are perhaps  
 less acquainted with the *Thing* itself : That  
 our *Laws* are so far from being so very excellent  
 and perfect, as some would persuade us, that *Rea-  
 son*



*son and Justice* are too often lost and stifled under *Forms of Law*: And that, in a Word, the *Law* itself, as it now stands, or is sometimes interpreted, seems too capable to enable the *Rich* and the *Wicked* to oppress the *Poor* and the *Innocent*.

I SHALL not examine into the Truth or Falshood of the several Assertions and Insinuations of these two Sets of Writers. The *Commons of England* assembled in a *free* Parliament are doubtless the best and properest Judges of the true *State of the Nation*; nor can I doubt, Sir, but at your next Meeting you will examine into what Condition the *British Nation* really is; and that you will act accordingly. One Thing I beg Leave to say, namely, That there is not a Man in *England* who will more heartily rejoice than myself, to find his Country in that happy Condition it is said to be in by the first Set of Writers whom I have mentioned; or to see that all the Complaints raised against our excellent Minister are without the *least Foundation*, and proceed from nothing else than the causeless Clamours of a few worthless Men, who are base enough to wound the very *Hand* that feeds and preserves them, and to *envy* those great Actions they are unable to *imitate*. If, upon a fair and thorough Examination this should appear to be the true State of the Case, I will venture to assure our First Minister he may safely *despise* all his Enemies, and need give no Orders for *Prosecutions* in *Westminster-Hall*. Most of the Prosecutions against those Writings, which any particular Set of Men call *Libels*, have, in my humble Opinion, smelt extreamly *Rank* of downright *Tyranny*.

ranny and arbitrary Power : I dare say there is no *Man of Sense*, who would not be much sooner convinced, by seeing the *Arguments* in any Pamphlet fairly *Answered*, or the *Matters of Fact* it asserts proved to be *False*, than by hearing it was called a *Libel* in *Westminster-Hall*.

I SHALL conclude with desiring the *Protection of Providence* on no other *Terms*, than as these Sheets are most sincerely intended for the Good of my Country : I should not expect my Fellow-Subjects would lend their Attention to the several Particulars I have mentioned, -if what is my Case to Day, might not happen to be their own to *Morrow* : But it is certainly high Time for every Man to look about him, and to consider upon what Foot his own *Liberty* and *Property* stand ; when in the Words of my Motto, ---*Jam proximus ardet Ucalegon* ; that is, in plain *English*, *When his next Neighbour's House is already on Fire*.

*I am with great Esteem,*

July 15th,  
1732.

S I R,

Your Most Faithful

Humble Servant,

E. BUDGELL.

F I N I S.

THE  
APPENDIX.

HAVING some particular Reasons not to be satisfied, that my Servant, who was my *chief Evidence*, had only sworn that my House was robbed before that Justice of Peace who granted me my *extraordinary Search-Warrant*, I got the Fellow to make an Affidavit likewise of the said Robbery before the Recorder of Oxford, though this Gentleman, as I have already observed, does not act as a Justice of Peace in the County at large. The following Affidavit, taken before him, is what I referred my Readers to in the 127th Page of the preceding Sheets.

“ A *Brabam Muids* saith, That *Eustace*  
“ *Budgell Esquire*, having left the Care  
“ of this House, and all the Keys of the said  
“ House with him, he took care not only to  
“ lock up the Doors of the said House, but to  
“ bolt and barricade them in such a Manner,  
“ that no Key could open the same; But saith,  
“ That the said House was several Times broke  
“ open,

“ open, and several Goods of a considerable  
“ Value taken away at divers Times out of the  
“ same; so that at present, almost all the Goods  
“ in the said House, which was well furnished,  
“ are stole away. And the said *Abraham Maids*  
“ further saith, That early one Morning, about  
“ *May* last, being informed, that there had  
“ been a Knocking heard in the House, he  
“ went in the back Way, and actually caught  
“ *John Piers* of *Denton*, *William Badcock* of  
“ *Gazington*, and *John Gillman* of the same,  
“ who had broke open the Hall-Door of the  
“ said House, which he the said *Maids* had  
“ firmly secured with a large Bar: And the said  
“ *Maids* saith, That the three Persons aforesaid  
“ were actually carrying off several of the Goods  
“ belonging to his Master, when he came upon  
“ them; and saith, That the said three Persons  
“ were under the utmost Fright and Surprize,  
“ when they were caught by him the said *Maids*;  
“ and that *Piers* and *Gillman* did in particular  
“ look as if they would have fainted away: And  
“ the said *Maids* told the said *Piers*, That he was  
“ a base Man for breaking open his Master’s  
“ House, and stealing his Goods several Times  
“ before in the Night; because he the said  
“ *Maids* might be hanged upon Suspicion of  
“ having taken the same: And the said *Maids*  
“ saith, That *Piers* and *Gillman* were so con-  
“ founded, that they made him no Answer; but  
“ that *Badcock* had the Impudence to say, That  
“ he the said *Maids* could not tell where they  
“ had the Goods; although the said *Maids* did  
“ very well know they were his Master’s, and  
“ taken



“ taken out of the House which was broke open.

“ AND the said *Maids* saith, That his Master's House was broke open five or six Times, and some of the Goods taken away every Time; and that the Persons who broke it open, got in sometimes at the Windows, and sometimes at the Doors: And he doth believe that the said *Piers* was always concerned in breaking open the said House, because he the said *Maids* doth know, that many of the Goods taken away at the said Times, are now in the Possession of the said *Piers*; and that some of them are in the House, where the said *Piers* now lives; and that others of them are hid in a Barn. Of all which he the said *Maids* is ready to make Oath. In Witness whereof he hath hereunto set his Hand this 26th Day of *August*, 1731.

*Abraham Maids.*

August 30, 1731.

Sworn by *Abraham Maids* before me, That the Contents of this Paper is true; and that his Name is thereto subscribed.

MAT. SKINNER.

“ *Abraham Maids* farther saith, That he doth believe, the House of his Master, *Eustace Budgell* Esquire, was always broke open in the Night, or at such Times as *John Piers* and his Accomplices were well assured he the said

Y

“ *Maids*

“ *Maids* was at a great Distance, save only at  
“ that Time when they were apprehended by  
“ him the said *Maids*. And the said *Maids* farther  
“ saith, That he is credibly informed, and  
“ doth believe, that *William Badcock*, of *Gazing-*  
“ *ton*, did declare some Time after the said *Maids*  
“ had caught him carrying away his Master’s  
“ Goods, when he had broke open the House,  
“ That if it was to do again, be the said *Badcock*  
“ would have knocked the said *Maids* in the Head,  
“ and have buried him in the Orchard, belonging  
“ to the said *Maids*’s Master’s House.

“ AND the said *Maids* saith, That he hath  
“ heard, and doth verily believe, that the said  
“ *Piers* and his Associates were encouraged to  
“ do what they have done, from a firm Belief  
“ that the said *Maids*’s Master, *Eustace Budgell*  
“ Esq; was confined for Debt, and would never  
“ be in a Condition to prosecute them; and that  
“ they would never have dared to rob his House,  
“ had they ever thought he would have recovered  
“ his Liberty.

“ AND the said *Maids* saith, That they began  
“ their Attempts, as he believeth, by taking  
“ away a Grinding-Stone belonging to his Master,  
“ which lay in a Hovel; because the said  
“ *Piers*, soon after the said Stone was missing,  
“ came to him the said *Maids*, and said; *What,*  
“ *I hear you have had your Grinding-Stone stolen?*  
“ To which the said *Maids* replied, *I believe you*  
“ *know what is become of him.* And the said  
“ *Maids* hath been informed that the said *Piers*  
“ did actually take away the said Stone, and  
“ hid it in a Ditch for some Time after he  
“ had

## The Appendix.

v

“ had stolen it; but at last carried it to the  
“ House of *William Burges*, in the Parish of  
“ *Gazington*, where the said *Maids* hears the  
“ said Stone now is. And the said *Maids* saith,  
“ That he doth conceive the said *Piers*, finding  
“ himself not prosecuted for the said Stone, did  
“ proceed to break open, and to rob his the said  
“ *Maids* Master's House in the Manner the said  
“ *Maids* hath given under his Hand Yesterday:  
“ Of all which the said *Maids* is ready to make  
“ Oath, if he is legally called upon so to do.  
“ In witness whereof he hath hereunto set his  
“ Hand this 27th Day of *August*, 1731.

*Abraham Maids.*

August 30, 1731.

Sworn by *Abraham Maids* before me, That  
the Contents of this Paper is true; and that his  
Name is thereto subscribed.

MAT. SKINNER,

BESIDES these two Papers my Servant signed  
a third Paper, containing some Particulars,  
which for certain Reasons I shall not publish at  
present.

THE following Affidavit of my Maid Ser-  
vant's, is what I referred my Readers to in Page  
132.

“ **M**ARY *Harris* maketh Oath, That above  
“ two Years since, her Master, *Eustace*  
“ *Budgell* Esq; (who was at that Time under  
“ Confinement in the *Fleet*) called her this De-  
Y 2                      “ ponent

“ Deponent to him, and declared unto her, That  
 “ he was very uneasy for fear his Papers should  
 “ be seized, and rifled once again, as she this  
 “ Deponent well knew they formerly were at  
 “ his House in *Arundel-Street*; and that he  
 “ was therefore resolved to send down to his  
 “ House in *Oxfordshire* some of his said Papers,  
 “ containing Accounts between him and other  
 “ Persons, several private Letters of Confe-  
 “ quence, and other Matters; and ordered this  
 “ Deponent to get herself ready to go down the  
 “ very next Day into *Oxfordshire* with the said  
 “ Papers: And this Deponent did make herself  
 “ ready accordingly, and received early the next  
 “ Morning from her said Master’s own Hands  
 “ a small Bag (such as Lawyers commonly carry  
 “ their Papers in) almost full of Papers, which  
 “ her said Master had packed up, the Night be-  
 “ fore; in several Sheets of brown Paper, and  
 “ had sealed up with his own Seal in several  
 “ Places on the said brown Paper. And this  
 “ Deponent farther saith, That when her Mas-  
 “ ter gave her the said Bag of Papers, he did  
 “ strictly charge and command her, several Times  
 “ over, to take the utmost Care thereof; de-  
 “ claring, That as much as he wanted Money, he  
 “ would not lose the said Papers for two Thou-  
 “ sand Pounds, or Words to that Effect; and  
 “ ordered this Deponent, as soon as she came to  
 “ his House in *Oxfordshire*, to cause a large strong  
 “ Chest in the said House to be removed up into  
 “ a little Closet in one of the Garrets, and to put  
 “ the said Papers in the said Chest; and also to  
 “ put two good Locks, one upon the Chest, and

“ another



“ another on the Closet-Door; and having care-  
 “ fully locked the same, to bring away the Keys  
 “ with her, and not to leave them with *Abraham*  
 “ *Maids*; who had the Care of the House, and  
 “ the Goods therein, and the Keys of every other  
 “ Room in the said House. And this Deponent  
 “ saith, That she did go down into *Oxfordshire*  
 “ accordingly, got the aforesaid Chest removed  
 “ up into the said Closet, and put the said Pa-  
 “ pers therein. And because her Master had  
 “ strictly charged her to let no body know of  
 “ her carrying down the said Papers, she, this  
 “ Deponent, to avoid any Suspicion of her put-  
 “ ting Papers into the said Chest, did likewise  
 “ put some Linen, Pewter-Dishes and Plates,  
 “ into the said Chest; and having caused two  
 “ good new Locks to be put upon the Chest  
 “ and the Closet-Door, and carefully locked the  
 “ same, brought away the Keys with her to  
 “ *London*, and hath had them in her Possession  
 “ ever since. And this Deponent farther saith,  
 “ That being carried down by her Master to the  
 “ Affizes held at *Oxford* in *March* last, she found  
 “ that her Master’s Country-House, which was  
 “ well furnished with Goods sent down from his  
 “ House in *Arundel-Street* in the *Strand*, and with  
 “ such Goods as he had bought in *Oxfordshire*,  
 “ was entirely stripped from Top to Bottom:  
 “ That the said Chest was carried away; and that  
 “ the very Tools, and Washing-Vessels in the  
 “ Out-houses, and a large Copper-Furnace, were  
 “ also stolen, and carried away. And this De-  
 “ ponent saith, That being carried by her Fel-  
 “ low-Servant, *Abraham Maids*, to a Barn which  
 “ stands by it self in a Field, and is now in the  
 “ Possession of one *John Piers*, she, this Depo-  
 “ nent,

" nent, looked into the said Barn through the  
" Crevices of the Boards, and saw therein a great  
" Quantity of her said Master's Goods."

*Mary Harris,*

*Jurat' 24th Day of July 1732,  
before me at the Publick Office.*

FRAN. ELDE,



**A**

A  
S T A T E  
O F T H E

Author's C A S E

Before the

House of LORDS,

Which is so frequently

Mentioned and Referred to

I N T H E

Reverend Mr. W<sup>M</sup> P I E R S ' s

SEVERAL LETTERS,

And in the

Answers to those LETTERS.

---

*Note, This C A S E is now reprinted verbatim, as it was formerly given into the Honourable House of Lords, and as it was since printed in the Author's Appendix to his Letter to the King of Sparta.*

---

Printed in the Year 1732.

STATE

OF THE

Author's CASE

BUDGELL and PAZEY,

*Plaintiffs in Error.*

PIERS or HOLLIS,

*Defendant in Error.*

*The Case of the Plaintiffs in Error.*

*Which, if an Order of the House of LORDS  
stands unaltered, will be heard at the  
Bar of the said House, on the 16th of  
May; on which Day the Errors on three  
other Writs of Error are also ordered to  
be argued.*



Printed in the Year 1763



---

BUDGELL and PAZEY,

*Plaintiffs in Error.*

PIERS or HOLLIS,

*Defendant in Error.*

*When those very Laws which were designed to secure the Property of the Subject, are made the Instruments to destroy it; and when an innocent Man, who desires to be quiet, and would do any Thing that is reasonable to purchase Peace, shall have a Multitude of Actions brought against him, with no other Intent, than a plain and evident Design to ruin him: As this may one Day be the Case of any private Gentleman in England, who shall have a Rich and Powerful Man his Enemy, it may require a more than ordinary Attention.*

*The following CASE is most humbly presumed to be extreamly remarkable and uncommon.*

**M**R. Budgell, some Years since, bought the Reversion of an Estate of one Mr. John Piers,

*Piers*, after the Life of his Mother : This Estate is held under *St. John's College* in *Cambridge*, and lies in the Manor of *Thorrington* in *Essex* ; the Custom of which Manor is *Burrough English*. Mr. *Budgell's* Title to the said Estate is thus : *John Piers* the Father bought the Estate, which is Copyhold of Inheritance, and was surrendered to the Use of the said *John Piers* and his Wife, and the longest Liver of them, and afterwards to the Heirs of the said *Piers* for ever. He died, leaving four Sons, viz. *John*, *William*, *Edward*, and *Laud* ; so that the Reversion of the said Estate became vested in the youngest Son *Laud*, after the Death of his Mother ; and he dying intestate before his Mother, the Reversion of the said Estate fell to his Heir at Law, viz. his elder Brother *John Piers*, from whom Mr. *Budgell* purchased. Notwithstanding this, *William Piers*, the second Brother, who was neither his Father's, or his Mother's youngest Son at the Time of their Death, went down to *Cambridge*, upon his Mother's Death, and, by the Advice of some People, got himself admitted by the College, and persuaded *Robert Pazey*, a poor ignorant Man, to attorn Tenant to him ; which, nevertheless, *Pazey*, having some Doubts, refused to do, till *Piers* gave him a Bond to indemnify him from paying his Rent.

Mr. *Budgell*, who had purchased the Estate for a valuable Consideration, offered for a long Time to refer the Matter to any Counsel learned in the Law ; which being refused, and Mr. *Budgell* being assured by all the Counsel he consulted,

sulted, that his Title was good, he laid the same, at last, before *St. John's College*; who being likewise assured by their Counsel, that the Estate was *Mr. Budgell's*, admitted him to it; and *Pazey* likewise attorned Tenant to him, by signing a Writing drawn up and witnessed by the Steward of the College.

*Note, Mr. William Piers* married a Wife, who had been Woman to an Aunt of *Mr. Budgell's*, and purchased an Annuity from him of 10 *l. per Annum* for her Life; which *Mr. Budgell* constantly paid, till her Husband got into Possession of the *Thorrington* Estate, as aforesaid; but then *Mr. Budgell* was advised to stop the said Annuity as a small Reprisal; but he never once denied that it was due, and constantly offered *Mr. Piers's* Attorney (by whom *Mr. Piers*, who is a very ancient Clergyman, declared he was entirely directed) to allow it out of those Rents *Mr. Piers* had received at *Thorrington*; or else desired, if he thought his Client was intitled to the *Thorrington* Estate, he would fairly try that Title. The Attorney would do neither; and instead of bringing an Ejectment for the *Thorrington* Estate, which was the only Matter in Question, he brings an Ejectment against an Estate of *Mr. Budgell's* in *Devonshire*, of 30 *l. per Ann.* which was bound for the Payment of the aforesaid Annuity. *Mr. Budgell* could make no Defence against this Claim, for he never denied that the Annui-

ty, was due ; so that the Attorney got a Judgment, and he, or his Client, is now in the actual Possession of an Estate of 30 *l. per Annum* in Land, for an Annuity of only 10 *l. per Annum* during the Life of an old Woman, who is above Three-score : Yet not content with this, *they have brought another Action against Mr. Budgell for 200 l. upon a Bond, which he gave only as a Collateral Security for the Payment of the said Annuity ; and Mr. Budgell having no other Relief but in Equity, against this cruel and most unjust Proceeding, they have got a Judgment upon the said Bond.*

WHEN the Attorney had done all this, being apprehensive that *Robert Pazey* might seek to be indemnified for the Money he had paid in his own Wrong, the said Attorney goes down to *Thorington in Essex*, and there persuading the poor Man, *Pazey*, to let him see his Bond of Indemnification, he claps the Bond in his Pocket, and rides away with it. When he had thus taken away the poor Tenant's Bond, he brings an Ejectment against him, to which Mr. *Budgell*, the Landlord, made himself a Party ; Mr. *Budgell* could not but think himself sure of his Cause, since not only his own Counsel, viz. Mr. Serjeant *Bains*, and Mr. Serjeant *Darnell*, but even those his Adversary had consulted, declared Mr. *Budgell's* Title was good. The Attorney, however, brought on the Cause at *Chelmsford* ; but instead of entering at all into the



the Merits of his Client's pretended *Title*, which would have ended all Controversies, (but which he knew was not *good*,) he produced a Lease for three Years, which was expired, but which *Pazey* had been ignorantly brought to take from Mr. *Piers*, and which Mr. *Budgell* had never heard of before. This Lease being an *Estoppel* at Law against *Pazey*, the Tenant in Possession, the Attorney got a Verdict: He had taken care to bring his Action upon an Original out of the *King's-Bench*, so that Mr. *Budgell* could not prevent having his Estate immediately entered upon, and ruined, by any other Way than being at the great *Expence* of bringing a Writ of Error in the *House of Lords*, which he hath done accordingly, and must likewise apply to *Chancery* this next Term, for an Injunction to stop these unparallel'd Proceedings, and to oblige Mr. *Piers* to try the *true Issue*. Mr. *Piers's* Attorney, since the Verdict at *Cbelmsford*, has also sent down and arrested the Tenant *Pazey*, a poor ignorant Man, for 150 *l.* which he pretends is due to his Client for Rent, although the Title is not yet tried, and although he had taken the said *Pazey's* Bond from him, by which he might be indemnified for the Money he hath already paid. The Bailiffs, for Want of Bail, kept the Man several Days in Custody, and used him in a most barbarous Manner; and several other People, seeing he was arrested, demanded their little Debts also of him; so that the poor Man and his Family are undone.

THE only real Controversy between Mr. *Budgell* and Mr. *Piers*, is about the *Thorrington* Estate, which might have been ended at once, either by *referring it to Counsel*, or fairly trying the *Title*; but instead of that, Mr. *Piers's* Attorney has made *four several Law-Suits of it*, and forced Mr. *Budgell* *besides* into the *House of Lords*, and into *Chancery*.

THE whole Estate is but fifty Pounds *per Annum*; and as it must be kept fenced against the Sea with a good Wall, does not, some Years, produce *any Thing clear*; so that *much more Money has been already spent in Law than the Estate is worth*.

IT is plain the *whole Design* of these Proceedings is to raise up as many *Law-Suits* as possible, to ruin Mr. *Budgell*: The poor Tenant is already ruined; and Mr. *Piers* himself would at length be ruined, if these Things were carried on at his Expence: But he is an ancient Country Clergyman, who declares he knows nothing of the *Law*, but leaves all to the Management of his Attorney, who, there are good Reasons to believe, was encouraged and supported by a *greater Man* than Mr. *Piers*, to carry on these Proceedings, in order to ruin Mr. *Budgell*.

MR. *Budgell* would have got an Injunction from *Chancery* last Term (which is his only and proper Remedy;) but was disappointed of it by a Mistake of his Solicitor's, and Mr. *Piers's* living

living above an hundred Miles off, so that the *Subpæna* could not be served in Time.

HIS Adversaries are pushing on the Writ of Error, which he has been obliged to bring as aforesaid in the *House of Lords*, because they know he must have an Injunction from *Chancery* in a few Days, which will effectually stop all their Proceedings.

IF Mr. *Budgell* had brought his Writ of Error to prevent the Payment of a *just Debt*, he should not have thought he deserved *any Favour*; but being obliged to bring his Writ of Error by the *unjust Proceedings* before mentioned, he humbly hopes, the most Honourable *House of Lords* will not shew his Adversaries so much *Favour* as to grant them a *By-Day*; nor try this Writ of Error on the same Day with three others, which it is humbly conceived were appointed to be heard all together, upon a Supposition that they were only brought (as they often are) to *delay Justice*.

HE is well assured, that most Honourable House, which is the *Dernier Resort* of Justice, will shew no Manner of Countenance to such *Acts of Oppression*, as are perhaps *without a Precedent*; and he and his Tenant having actually filed their Bill in *Chancery*, before this next Term, and got a *Subpæna* returnable the first Day of it, are sure of obtaining an *Injunction* against their Adversaries, if they are not indulged by the House, with having the Errors argued on a *By-Day*.

WHERE-

**WHEREFORE** the Plaintiffs humbly hope, That the Defendant in Error shall have no such Favour shewed him ; and that this Cause shall not be brought on before others which were set down, and therefore may regularly be heard before it.

**I** Do hereby certify, both as a Gentleman, and a Barrister at Law, that the above is a true State of my Case, and that I desire no other Favour from my cruel Adversaries, but that they will either fairly try their Title to the Estate, or refer the same to any indifferent Counsel learned in the Law.

May 4.  
1728.

**E. BUDGELL.**

**Note,** The Reader cannot but observe, that the Proceedings above mention'd are so complicated, and of such a Nature, that no other Counsel but myself could set their Hands to all the several Facts.



IN the eighth Page of the preceding Sheets I say, that “ I have been often challenged and provoked in the most abusive Language, by a certain Set of Writers to enter into some of the Particulars of those Hardships I complained of.

I SHALL close my *Appendix* with shewing my Readers, that this my Assertion was not without Reason.

IN the sixty third Page of the ninth Edition of my Letter to the Craftsman, occasioned by my presenting an humble Complaint to his Majesty against the Right Honourable Sir Robert Walpole, I have these Words,

“ I am very far from complaining of any Court of Judicature ; I know ’tis my Duty to submit to their Decisions, and always to believe them strictly just ; yet I hope I may, at least, be allowed to deplore my own unhappy Fate, when in more than one Instance, I have been treated with greater Severity than ever any Englishman was before, in the like Circumstances : As I never loved general Assertions, I am here strongly tempted to descend to Particulars ; but when I consider my present Situation, I am in great Doubt, whether, with any tolerable Assurance of Impunity, I might venture to mention even the most plain, the most notorious, and undeniable Facts. ”

FROM these Words the Polite Mr. Walsingham, in a Pamphlet which he wrote against me,

(and which was recommended to the Publick before it came out, by the King of Sparta himself, in his own Royal Epistle) takes occasion to fall upon me in the following Manner. “Does  
 “it well consist or agree with such daring Decla-  
 “rations, such sturdy Defiances as you have made,  
 “that you would give up your Life in this Cause,  
 “if you failed in the Proof? I say, does it cor-  
 “respond with such seeming Intrepidity, to make  
 “this sneaking, this shuffling Prevarication in  
 “the Close, that, in your present Situation, you  
 “are in some Doubt, whether, with any tolerable  
 “Assurance of Impunity, you may venture to  
 “mention, even the most plain, the most notorious  
 “and undeniable Facts? --- You have, at least, one  
 “Security, that Fines and Imprisonment cannot  
 “possibly affect you, for you are in Confinement  
 “already. What is it then you have to fear? It  
 “is not High Treason to prove the Truth against  
 “Sir R. W. Even Scandalum Magnatum can-  
 “not be your Terror. You are lodged; you are  
 “already beyond its Reach. Now, therefore, since  
 “neither your Life, or Liberty, your Lands or  
 “Goods, can any ways suffer by your Opposi-  
 “tion to this great and honourable Person,  
 “mighty and powerful we allow him to be;  
 “what have you to fear? What is it you are any  
 “ways alarmed at? for Providence hath hap-  
 “pily indemnified your Ears by abolishing the  
 “Court of Star Chamber; a Blessing that ought  
 “to be acknowledged. It is a poor and wretched  
 “Artifice, that you can have any Punishment to  
 “fear.

I COULD produce many more Examples of my being *insulted* upon my *Silence* in the most *outrageous Manner* ; but, I hope, *this single Instance* is abundantly sufficient to make all my Readers rather admire that I could so long refrain from entering into *Particulars*, than that I have done it at last. After all, I have said but a very *small Part* of what I could say. I am well assured, that *many Persons* will read these Sheets, whose *own Consciences* will sufficiently inform them how *kind* I have been to them, and how many *Particulars* I could have laid before the Publick, and *proved* to a Demonstration, which I have omitted to mention. I hope *these Persons* will do me the *Justice* to impute my omitting to mention such *Particulars* to my *Good-nature*, and not to my *Fears*. If they should do otherwise, they may possibly provoke me to say *some Things*, which, I am pretty well assured, they would not care to hear. But, I believe, when they reflect that I can bear the Frowns even of his *Spartan Majesty*, they will not imagine that I am under any mighty Apprehensions of *their Displeasure*.

(With a Frontispiece designed by Vanderbank,  
and engraved by Vandergucht.)

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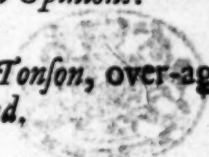
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*(With the Head of Theophrastus from Sandrat,  
and Engraved by Vertue,)*

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